

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, October 28, 2003

9:00 A.M.

#### BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

NOTE: Supervisor McQuiston introduced Dr. William Jefferds, Director of the State Department of General Services and Director of the Office of Military Support, who is attending the Select Committee Hearing on Defense, Technology and Jobs this morning; Dr. Jefferds heard.

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

NOTE: Supervisor Watson recognized Pam Sanders, appointee to the Local Child Care and Development Planning Council; Pam Sanders heard.

BOARD ACTION SHOWN IN CAPS

#### APPOINTMENTS

- \*1) Appointments of Jon Johnston as Shafter Recreation and Park District, Nutrition Service Provider Member, term to expire May 14, 2005, and Cleo Harlander as North Bakersfield Recreation and Park District Nutrition Program Member, term to expire April 25, 2004; and reappointment of Marsha Carlson as Alzheimer's Disease Association Member, term to expire May 16, 2005, to the Commission on Aging - MADE APPOINTMENTS AND REAPPOINTMENT

**McQuiston-Watson: All Ayes**

- \*2) Reappointment of Howard Silver as a City Government Member to the Kern County AIDS Advisory Board, term to expire August 16, 2006 - MADE REAPPOINTMENT

**McQuiston-Watson: All Ayes**

- \*3) Appointment of Pamela Jane Sanders as Fourth District Community Representative Member to the Local Child Care and Development Planning Council, term to expire June 30, 2004 - MADE APPOINTMENT

**McQuiston-Watson: All Ayes**

- \*4) Appointments of Verna Lewis as One-Stop Partner Member, Patricia Werner and Mary Vasinda as Business Members, terms to expire June 30, 2004, and reappointment of Daniel Steinhagen as One-Stop Partner Member, term to expire December 31, 2005, to the Workforce Investment Board - MADE APPOINTMENTS AND REAPPOINTMENT

**McQuiston-Watson: All Ayes**

PUBLIC PRESENTATIONS

- 5) 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

- 6) 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 COMMENDED SUPERVISOR PATRICK, OUTGOING PRESIDENT OF THE SAN JOAQUIN VALLEY REGIONAL ASSOCIATION OF CALIFORNIA COUNTIES, THIRD DISTRICT STAFF AND THE CLERK OF THE BOARD FOR A SUCCESSFUL CONFERENCE HELD LAST WEEK FOR THE NINE CENTRAL VALLEY COUNTIES. SUPERVISOR PATRICK COMMENTED IT WAS AN HONOR TO REPRESENT THE KERN COUNTY BOARD OF SUPERVISORS AS THE ASSOCIATION PRESIDENT

DEPARTMENTAL REQUESTS

AIRPORTS

- \*7) Proposed Grant Offer and Agreement with U.S. Department of Transportation for Small Community Air Service Development Pilot Program, in the amount of \$982,513; County matching funds required in the amount of \$100,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN GRANT OFFER AND AGREEMENT 931-2003

**McQuiston-Watson: All Ayes**

- \*8) Proposed assignment of the Occidental International Exploration and Production Company lease site at Meadows Field to Jaco Oil Company - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CONSENT TO ASSIGNMENT

**McQuiston-Watson: All Ayes**

AUDITOR-CONTROLLER-COUNTY CLERK

- \*9) Certificate of Appointments for Uniform District Election Law (UDEL) Election to be held November 4, 2003 - APPOINTED THE PERSONS NAMED IN OFFICIAL APPOINTMENTS

**McQuiston-Watson: All Ayes**

- \*10) Certificate of Appointments for Consolidated Districts Election to be held November 4, 2003 in Landowner Districts - APPOINTED THE PERSONS NAMED IN OFFICIAL APPOINTMENTS

**McQuiston-Watson: All Ayes**

COUNTY COUNSEL

- 11) Report on SB 1049 (Chapter 741) imposing a Fire Protection Benefit Fee on parcels of land within State responsibility areas - REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO PURSUE SUPPORT OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) AND STATE LEGISLATORS FOR REPEAL OF SB 1049; REFERRED TO COUNTY COUNSEL TO EXPLORE LEGAL OPTIONS; RECEIVED AND FILED

**McQuiston-Watson: All Ayes**

EMERGENCY MEDICAL SERVICES

- \*12) Proposed sole source Agreement with The Polaris Group for Emergency Medical Services system review process, from October 28, 2003 to June 30, 2005, in an amount not to exceed \$98,800 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 932-2003

**McQuiston-Watson: All Ayes**

EMPLOYERS' TRAINING RESOURCE

- \*13) Notification of anticipated retroactive approval of Agreements with La Cooperativa Campesina de California and various local service providers to provide core, intensive and/or training services under the Agricultural Dislocated Worker Program - RECEIVED AND FILED

**McQuiston-Watson: All Ayes**

- \*14) Proposed Amendment No. 2 to Agreement 352-2003 with Richard D. Eastin, M. A., to extend term through March 31, 2004 (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 933-2003

**McQuiston-Watson: All Ayes**

- \*15) Proposed retroactive Agreement with Kern Community College District for training, work readiness and employment activities to youths eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$89,196 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 934-2003

**McQuiston-Watson: All Ayes**

HUMAN SERVICES

- \*16) Request to employ retired County employee Mitchell Scott, Social Service Worker III, Range 53.3, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, from the date of employment - APPROVED

**McQuiston-Watson: All Ayes**

- \*17) Request to employ retired County employee, Donna Dunkin, Human Service Supervisor, Range 52.8, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, from the date of employment - APPROVED

**McQuiston-Watson: All Ayes**

- \*18) Proposed Agreement with ARRC Enterprises, Inc., for the provision of Independent Living Program - Foster Youth Computer Camps, from October 28, 2003 through September 30, 2004, in an amount not to exceed \$54,090 (State/Federal; no county cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 935-2003

**McQuiston-Watson: All Ayes**

KERN MEDICAL CENTER

- \*19) Proposed changes in clinical privilege status for 22 members of Kern Medical Center's Medical Staff - APPROVED

**McQuiston-Watson: All Ayes**

- \*20) Relief of accountability of patients' accounts - DISCHARGED KERN MEDICAL CENTER FROM ACCOUNTABILITY OF 2,558 ACCOUNTS TOTALING \$3,167,684.07; AUTHORIZED ASSIGNING 2,558 ACCOUNTS TOTALING \$3,167,684.07 TO COLLECTION AGENCIES

**McQuiston-Watson: All Ayes**

- \*21) Proposed Agreement with William J. Meyer, M.D., for neurosurgery services, from November 1, 2003 through October 31, 2008, in an amount not to exceed \$1,606,475 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 936-2003

**McQuiston-Watson: All Ayes**

- \*22) Proposed Agreement with Charles J. Wrobel, M.D., for neurosurgery services, from November 1, 2003 through October 31, 2008, in an amount not to exceed \$1,698,600 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 937-2003

**McQuiston-Watson: All Ayes**

- \*23) Proposed Agreement with Stephen D. Docherty, D.O., for emergency medicine services, from November 11, 2003 through November 10, 2005, in an amount not to exceed \$100,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 938-2003

**McQuiston-Watson: All Ayes**

- \*24) Proposed Amendment to Agreement 276-99 with McKesson Information Solutions, LLC, for replacement of Star Hospital Information Systems data general server equipment, in an amount not to exceed \$335,650 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 939-2003; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

**McQuiston-Watson: All Ayes**

- \*25) Proposed Agreement with Pulse Healthcare Services for temporary nurse staffing, from October 28, 2003 through October 27, 2005, in an amount not to exceed \$5,063,230 -

**WITHDRAWN**

MENTAL HEALTH SERVICES

- \*26) Proposed Amendment No. 1 to Agreement 337-2003 with Nankil Enterprises, Inc., dba Union Villa, for board and care services for homeless consumers residing in Kern County, to clarify contractor's legal status (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 940-2003

**McQuiston-Watson: All Ayes**

- \*27) Proposed Amendment No. 1 to Agreement 412-2003 with Turning Point of California of Central California, Inc., for a full continuum of mental health services to Level-3 consumers residing in Kern County, to revise terms relating to interim payments and time frame for submitting claim for payment forms (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 941-2003

**McQuiston-Watson: All Ayes**

- \*28) Proposed Amendment No. 1 to Agreement 484-2003 with The Drug Store, for pharmacy prescription services for consumers residing in Kern County, to clarify contractor's legal status and revise Exhibit "D", Enhanced Contract Process (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 942-2003

**McQuiston-Watson: All Ayes**

- \*29) Proposed Amendment No. 1 to Agreement 706-2003 with Nankil Enterprises, Inc., dba Vista Gardens, for room and board services for homeless consumers residing within Kern County, to clarify contractor's legal status (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 943-2003

**McQuiston-Watson: All Ayes**

- \*30) Proposed Amendment No. 1 to Agreement 752-2003 with Virginia Randall, for Health Insurance Privacy and Accountability Act (HIPAA) Compliance/Privacy Officer services to the Mental Health System of Care, to revise insurance requirements and increase contract amount from \$10,800 to an amount not to exceed \$12,800 (an increase of \$2,000) to reimburse Contractor for attending training events as required by the Department - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 944-2003

**McQuiston-Watson: All Ayes**

- \*31) Proposed Agreement with James Eric Cox dba Center Street Board and Care-II, for augmented board and care (ABC) services to adult consumers whose level of illness requires a more supported living environment, from November 1, 2003 to October 31, 2004, in an amount not to exceed \$28,188 (State [Realignment], Grant [SAMHSA]; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 945-2003

**McQuiston-Watson: All Ayes**

- \*32) Proposed Agreement with Nankil Enterprises, Inc., dba Lakeside Board and Care, for augmented board and care (ABC) services to adult consumers whose level of illness requires a more supported living environment, from November 1, 2003 to October 31, 2004, in an amount not to exceed \$77,990 (State [Realignment], Grant [SAMHSA]; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 946-2003

**McQuiston-Watson: All Ayes**

- \*33) Proposed Agreement with Medina's Board and Care, to provide augmented board and care (ABC) services to adult consumers whose level of illness requires a more supported living environment, from November 1, 2003 to October 31, 2004, in an amount not to exceed \$19,313 (State [Realignment], Grant [SAMHSA]; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 947-2003

**McQuiston-Watson: All Ayes**

- \*34) Proposed Agreement with Nankil Enterprises, Inc., dba Union Villa, for augmented board and care (ABC) services to adult consumers whose level of illness requires a more supported living environment, from November 1, 2003 to October 31, 2004, in an amount not to exceed \$77,990 (State [Realignment], Grant [SAMHSA]; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 948-2003

**McQuiston-Watson: All Ayes**

- \*35) Proposed retroactive Agreement with Tulare County Superintendent of Schools, dba Friday Night Live Partnership, for implementation of Friday Night Live (FNL) Mentoring Program that provides substance abuse prevention services to children and adolescents residing in Kern County, from October 1, 2003 to September 30, 2004, in an amount not to exceed \$27,500 (Federal funding to County, Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 949-2003

**McQuiston-Watson: All Ayes**

PARKS AND RECREATION DEPARTMENT

- \*36) Request to accept in-kind donation from Buttonwillow Babe Ruth in the form of a wireless scoreboard, valued at approximately \$5,000 - ACCEPTED DONATION; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

**McQuiston-Watson: All Ayes**

PERSONNEL

- \*37) Classification of positions recommended by Civil Service Commission, effective retroactive to March 22, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**McQuiston-Watson: All Ayes**

- \*38) Proposed Resolution establishing authorized positions by classification and salary range for Fiscal Year 2003-04, as of October 15, 2003 - APPROVED; ADOPTED RESOLUTION 2003-477

**McQuiston-Watson: All Ayes**

PUBLIC HEALTH SERVICES

- \*39) Proposed Agreement with Clinica Sierra Vista for clinical x-ray services, from December 1, 2003 through November 30, 2004, in an amount not to exceed \$8,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 950-2003

**McQuiston-Watson: All Ayes**

- \*40) Proposed Agreement with Kern Valley Healthcare District for clinical x-ray services, from January 1, 2004 through December 31, 2004, in an amount not to exceed \$1,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 951-2003

**McQuiston-Watson: All Ayes**

- \*41) Notification of anticipated retroactive Agreements with California Department of Health Services for the Chlamydia Screening Project, from October 1, 2003 through June 30, 2005, in an amount not to exceed \$87,500; California Department of Health Services for the California Nutrition Network for Healthy Active Families Local Incentive Award Program, effective October 1, 2003; Kern County Children and Families Commission for the Nurse-Family Partnership Program, from November 1, 2003 through October 31, 2004, in an amount not to exceed \$250,000; Kern County Children and Families Commission for the Child Health and Disability Prevention Treatment Program Dental Component, from November 1, 2003 through October 31, 2004, in an amount not to exceed \$900,000; County of Kings for epidemiology consultation services, from November 1, 2003 through June 30, 2004, in an amount not to exceed \$21,000; and San Diego State University for the Kids' Plate Program, from August 18, 2003 through June 13, 2004, in an amount not to exceed \$4,992.88 - RECEIVED AND FILED

**McQuiston-Watson: All Ayes**

SHERIFF

- \*42) Request to appropriate unanticipated revenue from Sheriff's Work Release Trust Fund for the purchase of a police vehicle - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$32,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$32,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

**McQuiston-Watson: All Ayes**

- \*43) Proposed retroactive Agreement with Superior Court of California, County of Kern, to provide security services, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$5,898,272 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 952-2003

**McQuiston-Watson: All Ayes**

- \*44) Request to appropriate unanticipated revenue from City of Tehachapi for supplemental law enforcement services - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$30,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$30,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

**McQuiston-Watson: All Ayes**

- \*45) Request to accept donation of medications for the Sheriff's SWAT Paramedics Unit, from Liberty Ambulance, valued at \$800 - APPROVED DONATION; ORDERED THE \$800 WORTH OF MEDICATIONS ADDED TO THE SHERIFF'S DEPARTMENT'S SWAT PARAMEDICS MEDICATIONS INVENTORY; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

**McQuiston-Watson: All Ayes**

- \*46) Application to hold a Parade - North Bakersfield Recreation & Park District, on December 13, 2003 - FOUND THAT THE SHERIFF HAS 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 PERMIT; AUTHORIZED CHAIRMAN TO SIGN

**McQuiston-Watson: All Ayes**

- \*47) Proposed deletion of one (1) Fiscal Support Technician and addition of one (1) Fiscal Support Specialist positions (fiscal impact \$3,472), effective October 28, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**McQuiston-Watson: All Ayes**

RECESSED TO 2:00 P.M.

**Patrick**

/s/ Denise Pennell  
Clerk of the Board

/s/ Pete H. Parra  
Chairman, Board of Supervisors



**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, October 28, 2003

2:00 P.M.

BOARD TO RECONVENE

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

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BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

- 1) 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! - KIMBERLY KITSCH, LOOP ELECTRIC, HEARD REGARDING CONFIGURATION OF SIGNAL LIGHTS AT PATTON WAY AND OLIVE DRIVE; CRAIG POPE, ROADS DIRECTOR, HEARD REGARDING PROGRESS ON THIS ISSUE

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) 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]) - NO ONE HEARD

CONTINUED HEARING

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 3) **Request from Kern County Planning Department to consider: Certifying the Program Environmental Impact Report; adopting 15091 Findings and 15093 Statement of Overriding Considerations; General Plan Amendment to adopt proposed Mojave Specific Plan and rescind the Camelot, Cunningham, Abramov, Afshar, Cloud, Domus, Northwest Mojave, Oak Street Road, Superior, and Ventura Westlake Specific Plans within the Mojave Specific Plan Area; proposing to rezone properties within the Mojave Specific Plan Area to add H, FPS and PD overlay zones to some but not all parcels in the community of Mojave, southeast Kern County (SD 2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from various map codes to Map Code 4.1 (Accepted County Plan Areas) for a 31,000-acre area around the community of Mojave, eastern Kern County; amend the Circulation Element of the Kern County General Plan (GPA 1, Map 168; GPA 2, Map 169; GPA 2, Map 179; GPA 19, Map 196; GPA 13, Map 196-7; GPA 6, Map 196-8; GPA 1, Map 196-9; GPA 5, Map 196-16; GPA 6, Map 196-17; GPA 6, Map 196-18; GPA 3, Map 197; GPA 20, Map 213)
- (b) Adoption of the Mojave Specific Plan text and maps to allow various land uses and rescind the following adopted Specific Plans and Limited Specific Plans within the Kern County General Plan: Camelot Specific Plan; Cunningham Specific Plan; Abramov Limited Specific Plan; Afshar Limited Specific Plan; Cloud Limited Specific Plan; Domus Limited Specific Plan; Northwest Mojave Limited Specific Plan; Oak Creek Road Limited Specific Plan; Superior Limited Specific Plan; and Ventura Lake Limited Specific Plan (Adopt Mojave Specific Plan)
- (c) Change the zone district classification of various properties located within the Mojave Specific Plan area to add the FPS (Floodplain Secondary Combining) District, the PD (Precise Development Combining) District, and/or the H (Airport Approach Height Combining) District or more restrictive districts (ZCC 9, Map 168; ZCC 17, Map 169; ZCC 2, Map 179; ZCC 40, Map 196; ZCC 11, Map 196-7; ZCC 21, Map 196-8; ZCC 3, Map 196-9; ZCC 17, Map 196-16; ZCC 9, Map 196-17; ZCC 6, Map 196-18; ZCC 39, Map 197; ZCC 53, Map 213)

(Environmental Impact Report; Published Mojave Desert News) (from 9/9/2003 and 10/7/2003) - OPENED HEARING; BILL DEAVER, PRESIDENT, MOJAVE TOWN COUNCIL AND SECRETARY OF THE MOJAVE CHAMBER OF COMMERCE; AND STUART WITT, GENERAL MANAGER, EAST KERN AIRPORT DISTRICT, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, CERTIFIED THE ENVIRONMENTAL IMPACT REPORT; ADOPTED SECTION 15091 FINDINGS AND SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS; RESCINDED THE SPECIFIC PLANS WITHIN THE PROJECT BOUNDARY; ADOPTED RESOLUTIONS 2003-478 AND 2003-479 AND ENACTED ORDINANCE G-7051 APPROVING GENERAL PLAN AMENDMENTS, CIRCULATION ELEMENT AMENDMENT, ADOPTION OF THE MOJAVE SPECIFIC PLAN, AND APPROVING ZONE CHANGES AS RECOMMENDED BY STAFF

**Maben-McQuiston: All Ayes**

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*4) **Request from Albert F. Darling by Porter-Robertson Engineering and Surveying, Inc., to cancel 84.2 acres of a Land Use Contract located on the north side of State Route 155, east of Jack Ranch Road, Glennville area (SD 1)**  
Specific Request:  
Cancellation of 84.2 acres of a Land Use Contract (Cancellation No. 03-6; Map 14-26) (General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-480 APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND ISSUE A CERTIFICATE OF CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION  
**Watson-McQuiston: All Ayes**
- \*5) **Request from David and Janice Brown by Delmarter and Deifel to change the permitted uses from exclusive agriculture to 2-1/2-acre residential on 7.51 acres located along the west side of Ashe Road, approximately 1/4 mile south of Houghton Road, south Bakersfield (SD 2)**  
Specific Request:  
A change in zone classification from A to E (1/2) RS or a more restrictive district (ZCC 61, Map 142) (Categorically Exempt, Section 15303; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-481 AND ENACTED ORDINANCE G-7052 APPROVING ZONE CHANGE AS REQUESTED  
**Watson-McQuiston: All Ayes**
- 6) **Request from The Lusich Company to adjust the location of the West Beltway Specific Plan Line on an approximate 1,700-foot-long area located between State Route 58 (Rosedale Highway) and Palm Avenue, Bakersfield (SD 4)**  
Specific Request: Amendment to the West Beltway Specific Plan Line (SPA 52, Map 101; West Beltway SP Line) (Categorically Exempt, Section 15305; Published Bakersfield Californian) - OPENED HEARING; ROBERT LUSICH, REPRESENTING DELFINO BAKERSFIELD, LLC, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-482 APPROVING AMENDMENT OF THE WEST BELTWAY SPECIFIC PLAN LINE  
**Watson-Maben: All Ayes**

- \*7) **Request from Froehlich, Inc., by Delmarter and Deifel to change the permitted uses from agriculture to commercial on two acres located at the southwest corner of Brimhall Road and Renfro Road, Bakersfield (SD 4)**

Specific Request:

A change in zone classification from A [E (1/4) in suspense] to C-1 PD or a more restrictive district (ZCC 21, Map 101-34)

(Negative Declaration tiers from the Western Rosedale Specific Plan Program FEIR as provided for in Section 15152 of the State CEQA Guidelines; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2003-483 AND ENACTED ORDINANCE G-7053 APPROVING ZONE CHANGE, TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

**Watson-McQuiston: All Ayes**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY  
Planning Department

Land Use

All S.D.'s

- \*8) Presentation of 2003-2004 Williamson Act Open Space Subvention Application - RECEIVED AND FILED

**Watson-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Community and Economic Development Department

S.D. #1

- \*9) Proposed Agreement with the City of Ridgecrest, in an amount not to exceed \$501,763 for construction of Allen Street Repaving Improvements (CD Activity No. 17.03.1), with total project funding to include \$326,950 from the existing budget for CD Activity No. 17.03.1, and transfer of additional Community Development Block Grant funds from the following projects: CD Activity No. 17.97.2, Ridgecrest Boulevard Street Overlay Design, \$19,000; CD Activity No. 17.99.1, Sunset Street Road Improvements, \$13,979; and Unprogrammed Funds, \$153,834; for a project total (contract plus \$12,000 delivery charge) of \$513,763 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 953-2003

**Watson-McQuiston: All Ayes**

All S.D.'s

- \*10) Proposed Agreements with Alliance Against Family Violence (CD Activity No. 46.03.1) for \$25,000; Bakersfield Rescue Mission (CD Activity No. 46.03.2) for \$57,275; Bethany Services (CD Activity No. 46.03.3) for \$57,275; Community Action Partnership of Kern (CD Activity No. 46.03.4) for \$7,500; Women's Center - High Desert (CD Activity No. 46.03.6) for \$23,900; and one Memorandum of Understanding (MOU) with the Kern County Mental Health Department (CD Activity No. 46.03.5) for \$34,250; for a total amount of \$205,200 under the Emergency Shelter Grants Program of the Stuart B. McKinney Act - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 954-2003 THROUGH 958-2003; AUTHORIZED DIRECTORS OF COMMUNITY AND ECONOMIC DEVELOPMENT AND MENTAL HEALTH TO EXECUTE THE MOU IN A FORM APPROVED BY COUNTY COUNSEL

**Watson-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

Hearing

S.D. #1

- 11) Proposed Resolution determining to adopt and accept an Ordinance enacting assessments for the area annexed to County Service Area No. 60, Oildale, southern portion of Parcel Map 8786, located east of Highway 99 and south of Seventh Standard Road - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS FOR COUNTY SERVICE AREA NO. 60, ZONE OF BENEFIT NOS. 1 AND 2; CONFIRMED THAT MAJORITY PROTEST WAS RECEIVED FOR ASSESSMENT FOR LANDSCAPE AND WALL MAINTENANCE IN ZONE OF BENEFIT NO. 3; ENACTED ORDINANCE G-7054 ESTABLISHING ASSESSMENTS AND ADOPTED RESOLUTION 2003-484 CONFIRMING THE ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT, APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$80 PER GROSS ACRE FOR STREET LIGHT MAINTENANCE - COMMERCIAL/LARGE LOT, \$24 PER PARCEL FOR STREET SWEEPING - COMMERCIAL/LARGE LOT AND \$200 PER GROSS ACRE FOR DRAINAGE FACILITIES MAINTENANCE - COMMERCIAL/LARGE LOT; DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR COUNTY SERVICE AREA NO. 60, ZONES OF BENEFIT NOS. 1 AND 2 FOR THE AREA INCLUDED WITHIN THE BOUNDARIES DESCRIBED

**McQuiston-Patrick: All Ayes**

S.D. #4

- \*12) Parcel Map 10714, east side of Allen Road, northwest Bakersfield, approval of completed street, drainage, water and sewer improvements, reduction of Faithful Performance Security in Subdivision Improvement Agreement, and proposed Resolution for acceptance of street and drainage improvements for maintenance - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE BOND NO. S507208, ISSUED BY FINANCIAL PACIFIC INSURANCE COMPANY, IN THE AMOUNT OF \$615,090 TO \$61,509 FOR GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING OCTOBER 28, 2003; ADOPTED RESOLUTION 2003-485 FOR ACCEPTANCE OF 25 FOOT IRREVOCABLE OFFER OF DEDICATION ON ALLEN ROAD, AND ALL OF JOMANI DRIVE, WITHIN PARCEL MAP 10714, INTO THE COUNTY ROAD SYSTEM, AS COUNTY ROAD NO. 3936, AND ACCEPTANCE OF STREET AND DRAINAGE IMPROVEMENTS FOR MAINTENANCE

**Watson-McQuiston: All Ayes**

- \*13) Tract 5557, Phase B, north side of Palm Avenue, 1094 feet east of Heath Road, Rosedale area, approval of completed street, drainage, water and sewer improvements, reduction of Faithful Performance Security in Subdivision Improvement Agreement, and proposed Resolution for acceptance of street and drainage improvements for maintenance - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE BOND NO. 875507S, ISSUED BY DEVELOPERS SURETY AND INDEMNITY COMPANY, IN THE AMOUNT OF \$365,488 TO \$36,549 FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING OCTOBER 28, 2003; ADOPTED RESOLUTION 2003-486 FOR ACCEPTANCE OF ROADS WITHIN TRACT 5557, PHASE B, INTO THE COUNTY ROAD SYSTEM AND ACCEPTANCE OF STREET AND DRAINAGE IMPROVEMENTS FOR MAINTENANCE

**Watson-McQuiston: All Ayes**

- \*14) Tract 5557, Phase C, north side of Palm Avenue, 1790 feet east of Heath Road, Rosedale area, approval of completed street, drainage, water and sewer improvements, reduction of Faithful Performance Security in Subdivision Improvement Agreement; adopt Resolution for acceptance of street and drainage improvements for maintenance - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE BOND NO. 875509S, ISSUED BY DEVELOPERS SURETY AND INDEMNITY COMPANY, IN THE AMOUNT OF \$487,956 TO \$48,796 FOR GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING OCTOBER 28, 2003; ADOPTED RESOLUTION 2003-487 FOR ACCEPTANCE OF ROADS WITHIN TRACT 5557, PHASE C, INTO THE COUNTY ROAD SYSTEM AND ACCEPTANCE OF STREET AND DRAINAGE IMPROVEMENTS FOR MAINTENANCE

**Watson-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D.'s #1, #2, #4 & #5

- \*15) Contract No. 04001, Notice of Completion for asphalt concrete (stockpile) at various locations - RECEIVED AND FILED

**Watson-McQuiston: All Ayes**

S.D. #3

- \*16) Contract No. 04003, identify apparent low bid of Griffith Company, for drainage improvements at Mt. Vernon and Bernard Streets, in an amount not to exceed \$92,222 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

**Watson-McQuiston: All Ayes**

WASTE MANAGEMENT  
Hearings

All S.D.'s

- 17) Public Hearing to consider the Annual Review of Garbage Franchises and establish the schedule of refuse service and recycling rates for Calendar Year 2004 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); ADOPTED RESOLUTION 2003-488 AS AMENDED TO REMOVE THE RECYCLING SURCHARGE RATE INCREASE IN THE TEHACHAPI AREA; REFERRED RECYCLING SURCHARGE RATE INCREASE TO WASTE MANAGEMENT FOR REPORT BACK

**Maben-Patrick: All Ayes**

All S.D.'s

- \*18) Public Hearing to consider renewal of the Recycling Market Development Zone No. 26 Program and authorizing submittal of an application to the California Integrated Waste Management Board (Negative Declaration) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-489

**Watson-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*19) Proposed addition of one (1) Administrative Services Officer position in budget unit 1610 and deletion of one (1) Senior Administrative Analyst position in budget unit 1020, effective October 28, 2003 (net cost savings) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Watson-McQuiston: All Ayes**

- \*20) Proposed Administrative Policy and Procedures Manual Amendment No. 03-02 adding Nepotism Policy - APPROVED

**Watson-McQuiston: All Ayes**

- \*21) Proposed three-year Agreement with Schaller Anderson of California, LLC Company for administration of health insurance program for County employees effective January 1, 2004, with first year cost at \$32 per employee per month - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 959-2003; TERMINATED AGREEMENT WITH BC LIFE AND HEALTH INSURANCE COMPANY; AUTHORIZED COUNTY ADMINISTRATIVE OFFICE TO IMPLEMENT; RECEIVED AND FILED

**Watson-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE  
General Services Division  
S.D. #3

- 22) Proposal to name the new airport terminal at Meadows Field the William M. Thomas Terminal, in honor of Congressman William M. Thomas, effective October 31, 2003 (from 10/21/2003) - ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION; RAY BISHOP, KERN COUNTY AIRPORTS DIRECTOR; AND VINCENT FONG, REPRESENTING CONGRESSMAN THOMAS, HEARD; APPROVED

**Patrick-Watson: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- \*23) Budget Transfers - APPROVED NO. 47 THROUGH NO. 52
- Watson-McQuiston: All Ayes**
- \*24) Minutes for week of September 29, 2003 - APPROVED WITH CORRECTION TO ITEM NO. 12 AND NO. 13 P.M. DELETING THE PHRASE "**WATER AND SEWER**", RELATED TO ADOPTION OF RESOLUTIONS, AND TO ITEM NO. 14 P.M. ADDING "**AGREEMENT 871-2003**"
- Watson-McQuiston: All Ayes**
- \*25) Miscellaneous Letters and Documents - FILED
- Watson-McQuiston: All Ayes**
- \*26) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Watson-McQuiston: All Ayes**

ADJOURNED TO CLOSED SESSION

**Watson-**

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 27) Request for Closed Session regarding Meet and Confer, All Unions -

(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 next session of the Board of Supervisors.)



RECONVENED FROM CLOSED SESSION; ADJOURNED TO TUESDAY,  
NOVEMBER 4, 2003, AT 9:00 A.M.

**Patrick-Watson**

/s/ Tracey E. Cody  
Administrative Coordinator

/s/ Pete H. Parra  
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.

25) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Received, certified and transmitted to Recorder for recordation as follows:

1) Parcel Map 10927, S.D. 2

Community & Economic Development

- B) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with Pedro and Fridela S. Leal
- C) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with Rene G. Trevino
- D) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with David Watters

Employers' Training Resource

- E) WIA OJT Agreements:

- 1) Don Kinzel Construction, Inc., WIA Title 201, dated October 10, 2003
- 2) Sears Logistics Services, Inc., WIA Title 167, dated October 13, 2003
- 3) Sears Logistics Services, Inc., WIA Title 167, dated October 13, 2003
- 4) Sears Logistics Services, Inc., WIA Title 201, dated October 13, 2003
- 5) Sears Logistics Services, Inc., WIA Title 201, dated October 13, 2003
- 6) Sideline Enterprises, Inc. dba Premier Lighting, WIA Title 201, dated October 8, 2003

Environmental Health

- F) Four (4) thank you letters to individuals for donations to the Bakersfield and Mojave animal shelters

Grand Jury

- G) 2003-2004 Final Report re Board of Trade (Copies to each Supervisor, CAO and Board of Trade)

Local Agency Formation Commission

- H) Report and Recommendation, Proceeding No. 1360, in the matter of City of Bakersfield (Annexation No. 444), Greenfield County Water District (Annexation No. 35), Reorganization (Copies to each Supervisor and CAO)
- I) Report and Recommendation, Proceeding No. 1362, in the matter of City of Bakersfield (Annexation No. 441), North Kern Water Storage (Detach E), Reorganization (Copies to each Supervisor and CAO)
- J) Agenda of meeting on Tuesday, October 28, 2003

Miscellaneous

- K) Letter from Cesar Augusto Tarquino re California's economy and the striking supermarket workers (Copies to each Supervisor and CAO)
- L) Letter from Matthew D. Emmer, Fleischman and Walsh, LLP, re change of address concerning Complaint of KVMD Licensee Co., LLC (Copies to General Services and County Counsel)
- M) Letter from Nancy E. Hayward, State Department of Health Services, re Emergency Medical Services Appropriation (EMSA) allocation tables, documents and report forms for Fiscal Year 2003-2004 (Copies to each Supervisor, CAO and Public Health)
- N) Letter from Al Wright, State Department of Fish and Game, Wildlife Conservation Board, re Allensworth Ecological Reserve Expansion and notice of meeting on Tuesday, November 18, 2003 (Copies to each Supervisor, CAO, Planning and County Counsel)
- O) Letter from Al Wright, State Department of Fish and Game, Wildlife Conservation Board, re South Fork Kern River Ecological Reserve (Canebrake Creek Unit, Expansion 2) and notice of meeting on Tuesday, November 18, 2003 (Copies to each Supervisor, CAO, Planning and County Counsel)
- P) Letter from Arthur Unger, Sierra Club, re comments concerning Notice of Public Hearing, Zone Change Case 136, Map No. 101 and Alteration of Boundaries of Agricultural Preserve 11 (Copies to each Supervisor, CAO, Planning and County Counsel)
- Q) Memorandum from San Joaquin Valley Air Pollution Control District re Attendance Records of Citizens Advisory Committee (CAC) meeting on Tuesday, October 7, 2003 (Copies to each Supervisor, CAO and Clerk of the Board)
- R) Notice from Alcoholic Beverage Control re application for Alcoholic Beverage License: Village Market, 21315 Highway 46, Lost Hills (Copies to each Supervisor, CAO and Planning)
- S) Notice from Los Padres National Forest re schedule of proposed environmental actions, October-December, 2003
- T) News release from U.S. Fish & Wildlife Service re removal of Hoover's woolly-star from the Federal threatened species list (Copies to each Supervisor, CAO, Planning and County Counsel)
- 26) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
  - A) Claim in the matter of Elizabeth Saucedo vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Erma Wadkins vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- C) Claim in the matter of Justin Wadkins vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Jeffrey D. Likes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Shirley M. Likes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of David M. Likes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Ken W. Rawlins vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Cassius Clay Whitehead vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Jaime Padilla vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Claim in the matter of Kevin Dodd vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Exhibit A to claim in the matter of California Minerals, LP vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)