

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, November 2, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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 JoAnn Neal for 31 years of service to the County of Kern - **ADOPTED RESOLUTION; MADE PRESENTATION TO JOANN NEAL'S SON, FRANK DAVIS; BEVERLY BEASLEY JOHNSON, DIRECTOR, DEPARTMENT OF HUMAN SERVICES AND FRANK DAVIS HEARD**

Patrick-Maben: All Ayes

- 2) Proclamation proclaiming November 2004 as National Adoption Awareness Month in Kern County - **PROCLAIMED; MADE PRESENTATION TO BEVERLY BEASLEY JOHNSON, DIRECTOR, DEPARTMENT OF HUMAN SERVICES; BEVERLY BEASLEY JOHNSON, KRIS GRASY, DEPARTMENT OF HUMAN SERVICES, CARL GILFORD, PROGRAM DIRECTOR, DEPARTMENT OF HUMAN SERVICES ADOPTION SERVICES AGENCY, AND STEPHANIE BENDER, ADOPTIVE PARENT, HEARD**

Maben-Parra: All Ayes

- 3) Proclamation proclaiming November 1-7, 2004 as National Diabetes Education Week - **PROCLAIMED; MADE PRESENTATION TO SHARON HANSEN AND MICHELLE CHYNOWETH, AMERICAN ASSOCIATION OF DIABETES EDUCATORS; SHARON HANSEN AND MICHELE CHYNOWETH HEARD**

Watson-Maben: All Ayes

PUBLIC REQUESTS

- 4) Request from Lynda Taylor, retired employee from the County of Kern, to address the Board regarding health coverage issues for retired County employees residing out of Kern County -

WITHDRAWN

APPOINTMENTS

- *5) Appointment of Reed Eric Tollefson as At-large Member to the South Fork Mosquito Abatement District, term to expire June 30, 2006 - MADE APPOINTMENT

Patrick-Parra: All Ayes

- *6) Reappointments of Anthony "Tony" Martinez and Van Vangel as At-large Members to the Delano Mosquito Abatement District, terms to expire January 2, 2007 - MADE REAPPOINTMENTS

Patrick-Parra: All Ayes

PUBLIC PRESENTATIONS

- 7) 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! -**

ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS' ASSOCIATION ADDRESSED THE BOARD REGARDING THE ONE-HALF CENT SALES TAX ISSUE FOR ROAD IMPROVEMENTS; RECEIVED AND FILED DOCUMENT

Maben-Patrick: All Ayes

GILBERT TARR HEARD REGARDING AN ATTEMPT TO SERVE A SUMMONS ON A KERN COUNTY EMPLOYEE. COUNTY COUNSEL, BERNARD BARMANN EXPLAINED THIS MATTER IS NOT UNDER THE JURISDICTION OF THE BOARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 8) 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

DEPARTMENTAL REQUESTS

AIRPORTS

- *9) Proposed correspondence to Governor Schwarzenegger requesting support for a U.S. Customs and Border Protection Federal Inspection Service (FIS) Facility at Meadows Field Airport (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Parra: All Ayes

ASSESSOR-RECORDER

- *10) Request to correct effective date for deletion of one (1) Supervising Auditor-Appraiser position, previously approved by the Board on October 5, 2004, to be effective January 27, 2005 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Parra: All Ayes

CLERK OF THE BOARD

- *11) Amended Conflict of Interest Codes for the Kern County Assessor-Recorder and Bakersfield City School District - APPROVED

Patrick-Parra: All Ayes

COUNTY COUNSEL

- *12) Proposed Ordinance adding Section 10.04.534 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 45 mile-per-hour speed limit on Calloway Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *13) Proposed Ordinance adding Subsection (175) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code establishing a no stopping zone in the alley between Pacific Street and Quincy Street (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *14) Proposed Ordinance adding Subsection (5) to Section 10.16.055 of Chapter 10.16, Title 10 of the Kern County Ordinance Code establishing a no stopping zone on Laura Street in Mojave (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *15) Proposed Ordinance adding Subsection (173) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code establishing a no stopping zone on Snow Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *16) Proposed Ordinance adding Subsection (174) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code establishing a no stopping zone on Fairview Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *17) Proposed Ordinance adding Section 10.04.031 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 25 mile-per-hour speed limit on Dennis McCarthy Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *18) Proposed Ordinance adding Section 10.04.500 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 40-mile-per-hour speed limit on Wheeler Ridge Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *19) Proposed Ordinance adding Subsections (171) and (172) to Section 10.16.041 of Chapter 10.16, Title 10 concerning no stopping zones on Norris Road and Quail Creek Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Parra: All Ayes

- *20) Proposed Agreements for Workers' Compensation medical network providers with Business Health Network; Vernon Sorenson, M.D., Inc.; The Industrial Medical Group; Dr. W.B. Christensen, M.D., Inc.; Bakersfield Occupational Medical Group; and Central Valley Occupational Group, from January 1, 2005 until terminated (Fiscal Impact: \$900,000 annually; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 991-2004 THROUGH 996-2004

Patrick-Parra: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *21) Proposed retroactive Agreement with San Joaquin Valley College to provide employment and training services to Workforce Investment Act-eligible customers, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$22,500 (prior notification August 3, 2004) (Fiscal Impact: \$22,500; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 997-2004

Patrick-Parra: All Ayes

- *22) Request for authorization to apply for Veterans Workforce Investment Funds to provide employment and training services to veterans from January 1, 2005 through June 30, 2005 (Fiscal Impact: \$75,000-\$375,000; Federal Grant; Not Budgeted; Not Mandated) - APPROVED

Patrick-Parra: All Ayes

- *23) Proposed retroactive Agreement with Taft Union High School District to provide employment and training services to Workforce Investment Act-eligible youths in the Taft area, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$30,000 (prior notification June 29, 2004) (Fiscal Impact: \$30,000; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 998-2004

Patrick-Parra: All Ayes

HUMAN SERVICES

- *24) Proposed Agreement with Health Net, Inc., for exchange of Eligibility and Enrollment/Disenrollment information for the Kern County Healthy Kids Program, effective November 2, 2004 through June 30, 2006 (Fiscal Impact: None; Not Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 999-2004

Patrick-Parra: All Ayes

- *25) Proposed retroactive Memorandum of Understanding with the California Department of Social Services for Wraparound Services, from January 1, 2004 through December 31, 2006 (Fiscal Impact: None; Budgeted; Mandated) -

WITHDRAWN

- *26) Proposed establishment of Wraparound Savings Trust Fund (Fund #22185) as an interest bearing fund (Fiscal Impact: None; Not Budgeted; Mandated) - APPROVED

Patrick-Parra: All Ayes

- 27) Proposed retroactive Agreement with the Kern County Children and Families Commission for eligibility screening, determination and enrollment for the Healthy Kids Program, from November 1, 2004 through June 30, 2006, in an amount not to exceed \$1,038,815 (Fiscal Impact: \$1,038,815; Not Budgeted; Not Mandated) - STEVE LADD, EXECUTIVE DIRECTOR, CHILDREN AND FAMILIES COMMISSION, HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1000-2004

Parra-Maben: All Ayes

- 28) Request to appropriate unanticipated revenue from Kern County Children and Families Commission (KCCFC), and proposed addition of six (6) Human Services Technician I/II/III and one (1) Office Services Specialist positions for eligibility screening, determination and enrollment for the Healthy Kids Program, effective November 2, 2004 (Fiscal Impact: \$1,038,815 KCCFC, \$0 General Fund; Not Budgeted; Not Mandated) - STEVE LADD, EXECUTIVE DIRECTOR, CHILDREN AND FAMILIES COMMISSION, HEARD; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$415,523 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$415,523 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 5120; APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Parra-Maben: All Ayes

KERN MEDICAL CENTER

- *29) Notification of retroactive Agreement with Bunyi-Teopengco Corporation, an independent contractor, for pathology services (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Parra: All Ayes

- *30) Notification of retroactive Agreement with Nurses Internet Staffing Services, Inc., an independent contractor, for temporary nurse staffing (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Parra: All Ayes

- *31) Notification of retroactive Agreement with Sierra Pacific Anesthesia Group, an independent contractor, for anesthesia services (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Parra: All Ayes

- *32) Proposed retroactive Memorandum of Understanding with Bakersfield Memorial Hospital, an independent contractor, for medical, psychosocial and case management services to high-risk infants, beginning April 26, 2004 and remaining in effect for two years (Fiscal Impact: None; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1001-2004

Patrick-Parra: All Ayes

MENTAL HEALTH SERVICES

- *33) Request for approval of a new position of Deputy Director of Administrative and Fiscal Services for Mental Health (Fiscal Impact: To Be Determined) - APPROVED; REFERRED TO PERSONNEL

Patrick-Parra: All Ayes

- *34) Proposed authorization for Chairman to send notification to State Department of Alcohol and Drug Programs that County declines to contract with Phase I, Phase II Recovery Services for Drug/Medi-Cal Services (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER

Patrick-Parra: All Ayes

- *35) Proposed authorization to designate specified individuals to initiate application for evaluation and involuntary detention of mentally disordered individuals per Welfare and Institutions Code, Section 5150 (Fiscal Impact: None) - APPROVED

Patrick-Parra: All Ayes

- *36) Proposed addition of six (6) Mental Health Recovery Specialist I/II/III, one (1) Office Services Specialist, one (1) Mental Health Therapist I/II, and one (1) Administrative Coordinator positions, and deletion of one (1) Mental Health Recovery Specialist Aide, and three (3) Staff Nurse positions, effective November 2, 2004; and deletion of one (1) Office Services Assistant position, effective November 15, 2004, from Budget Unit 4120 - (Fiscal Impact: Approximately \$68,361 to \$72,773) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Parra: All Ayes

PUBLIC HEALTH SERVICES

- *37) Request to increase sole source Purchase Order 0056392 with Meridian Bioscience Corporation for Valley Fever test kits, by \$90,000 to an amount not to exceed \$140,000 (funded by client fees) - APPROVED; AUTHORIZED PURCHASING AGENT TO INCREASE PURCHASE ORDER

Patrick-Parra: All Ayes

- *38) Request for approval of unusual travel for the Director of Kern County Department of Public Health to attend the Annual American Public Health Association Conference (APHA) and related meetings, from November 4, 2004 through November 11, 2004 in Washington, DC (Fiscal Impact: \$4,500; Budgeted) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY ASSOCIATED COSTS IN AN AMOUNT NOT TO EXCEED \$4,500

Patrick-Parra: All Ayes

SHERIFF

- *39) Donation of surplus County property, 1996 Ford Crown Victoria Police Interceptor, to Ridgecrest Police Department (Fiscal Impact: None) - APPROVED

Patrick-Parra: All Ayes

TREASURER-TAX COLLECTOR

- *40) Pooled Cash Portfolio for Quarter Ended September 30, 2004 - RECEIVED AND FILED

Patrick-Parra: All Ayes

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IHSS PUBLIC AUTHORITY

Patrick-Parra: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSION

IHSS PUBLIC AUTHORITY

- 41) Request for Closed Session regarding Meet and Confer, UDWA -

RECONVENED FROM CLOSED SESSION WITH ALL MEMBERS PRESENT; ADJOURNED AS IHSS PUBLIC AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

Watson-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSION

COUNTY COUNSEL

- 42) Request for Closed Session regarding a lawsuit entitled Patricia A. Lock vs. County of Kern, et al. Kern County Superior Court Case No. S1500-CV-254024 (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.

Parra-Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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1115 Truxtun Avenue
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2:00 P.M.

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Supervisors: McQuiston, Maben, Patrick, Watson, Parra
ROLL CALL: 4 Present; 1 Absent - Parra

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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! - NO ONE HEARD

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

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #4

- *3) Notice of Nonrenewal Petitions No. 04-27, No. 04-28 and No. 04-29 by Brian J. Mettler, managing partner of Metco Farms, for approximately 465 acres within Agricultural Preserve No. 12 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *4) Notice of Nonrenewal Petition No. 04-25 by William J. Barkett, Managing Member of Wasco Investments, LLC, for approximately 95 acres within Agricultural Preserve No. 6 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Watson: 4 Ayes; 1 Absent - Parra

Miscellaneous

All S.D.'s

- *5) Request for addition of one (1) GIS Specialist position in Planning Department, Budget Unit 2750, effective November 6, 2004 (Fiscal Impact: \$77,290; Budgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Watson: 4 Ayes; 1 Absent - Parra

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

S.D. #2

- *6) Proposed Finding of No Significant Impact (FONSI) and Request for Release of Funds (RROF) for Mojave Drainage Improvements, Multi-Phase, Activity No. 31.04.1 (Fiscal Impact: \$579,440; Community Development Block Grant; Budgeted; Not Mandated) - APPROVED FONSI; AUTHORIZED CHAIRMAN TO SIGN RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT TO HUD

Patrick-Watson: 4 Ayes; 1 Absent - Parra

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #1

- *7) Request to approve final map for Tract 6175, southeast corner of Snow Road and Coffee Road, northwest Bakersfield, DeWalt Corporation for Dale and Jan Scales - APPROVED; ADOPTED RESOLUTION 2004-384 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE), ABANDONMENT OF SEWER EASEMENT (DOCUMENT NO. 0198001085 O. R.) AND RESTORATION OF INGRESS AND EGRESS ACROSS LOTS "A" AND "B" IN TRACT NO. 4758; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1002-2004; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *8) Request for release of Monument Security, Tract 6053, Phase 1, southeast corner of Seventh Standard Road and McCray Street, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$4,590 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *9) Request for release of Monument Security, Tract 6053, Phase 2, 600 feet south and 280 feet east of the southeast corner of Seventh Standard Road and McCray Street, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$1,940 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *10) Request for release of Monument Security, Tract 6053, Phase 3, south side of Seventh Standard Road, 1,000 feet west of the intersection of Seventh Standard Road and North Chester Avenue, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$3,670 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *11) Request for release of Monument Security, Tract 6053, Phase 4, north side of West Day Avenue at northwest corner of North Chester Avenue and West Day Avenue, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$5,850 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.
Patrick-Watson: 4 Ayes; 1 Absent - Parra
- *12) Request for release of Monument Security, Tract 6053, Phase 5, west side of North Chester Avenue, 400 feet north of West Day Avenue, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$5,460 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.
Patrick-Watson: 4 Ayes; 1 Absent - Parra
- *13) Request for release of Monument Security, Tract 6053, Phase 6, west side of North Chester Avenue, 713 feet north of West Day Avenue, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$5,735 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.
Patrick-Watson: 4 Ayes; 1 Absent - Parra
- *14) Request for release of Monument Security, Tract 6053, Phase 7, north of West Day Avenue between North Chester Avenue and McCray Street, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$3,825 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.
Patrick-Watson: 4 Ayes; 1 Absent - Parra
- *15) Request for release of Monument Security, Tract 6053, Phase 8, south side of Seventh Standard Road, between North Chester Avenue and McCray Street, north Bakersfield, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$3,190 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.
Patrick-Watson: 4 Ayes; 1 Absent - Parra
- *16) Request for release of Monument Security, Tract 6054, Phase 1, north of West Day Avenue and west of McCray Street, north Bakersfield, DeWalt Corporation for North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$7,995 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.
Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *17) Request for release of Monument Security, Tract 6054, Phase 2, west side of McCray Street, 900 feet north of West Day Avenue, north Bakersfield, DeWalt Corporation for Denela, LLC (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$2,335 TO SUBDIVIDER, DENELA, LLC

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *18) Request for release of Monument Security, Tract 6054, Phase 4, southwest corner of Seventh Standard Road and McCray Street, north Bakersfield area, DeWalt Corporation for Denela, LLC (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$3,635 TO SUBDIVIDER, DENELA, LLC

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *19) Request for release of Monument Security, Tract 6138, northwest corner of McCray Street and West Day Avenue, north Bakersfield, DeWalt Corporation for North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$2,320 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.

Patrick-Watson: 4 Ayes; 1 Absent - Parra

S.D. #5

- *20) Request to reschedule public hearing, originally scheduled for Tuesday, January 11, 2005, to consider proposed formation of Cottonwood Road Underground Utility District on Tuesday, November 30, 2004 (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-385 CANCELING HEARING PREVIOUSLY SET FOR TUESDAY, JANUARY 11, 2005, AND SETTING HEARING ON TUESDAY, NOVEMBER 30, 2004, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO MAIL NOTICE OF HEARING TO AFFECTED PROPERTY OWNERS AND UTILITIES

Patrick-Watson: 4 Ayes; 1 Absent - Parra

All S.D.'s

- *21) Request for sole source procurement of specialized spider excavator weed control services from Tite Enterprises, Inc., for remediation of excessive weeds in county sumps having standing water, at an hourly rate of \$200, in an amount not to exceed \$80,000 (Fiscal Impact: \$80,000; CSA and General Funds; Budgeted) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-Watson: 4 Ayes; 1 Absent - Parra

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *22) Contract No. 04026, Notice of Completion for the removal of traffic striping on Westwood Boulevard-Golden Hills Boulevard to Woodford-Tehachapi Road (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Watson: 4 Ayes; 1 Absent - Parra

S.D. #3

- *23) Proposed no-stopping zone and rescission of no-parking zone along both sides of Patton Way (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *24) Proposed Agreement with Premiere Equipment Company for roadway improvements along Patton Way, in an amount not to exceed \$19,706.74 (Fiscal Impact: \$19,706.74 Revenue to County; Road Fund; Not Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1003-2004

Patrick-Watson: 4 Ayes; 1 Absent - Parra

WASTE MANAGEMENT

S.D. #1

- *25) Proposed Amendment No. 1 to Agreement 991-99 with Golder Associates, Inc., to provide environmental and civil engineering services for closure of China Grade Sanitary Landfill, extending term from November 16, 2004 to November 15, 2006, and increasing compensation by \$344,223, for a total amount not to exceed \$850,000 (Fiscal Impact: \$344,223; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1004-2004

Patrick-Watson: 4 Ayes; 1 Absent - Parra

COUNTY ADMINISTRATIVE OFFICE

- 26) Response to Board inquiry regarding history of Veteran's Day as County holiday (Fiscal Impact: None) - MARION "BLUE" O'CONNOR HEARD; RECEIVED AND FILED

Patrick-Maben: 4 Ayes; 1 Absent - Parra

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Hearing

S.D. #1

- *27) Proposed Resolution and Ordinance granting pipeline franchise to Berry Petroleum Company (Fiscal Impact: Anticipated Revenue \$700 in 2005; Unbudgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2004-386 AND ENACTED ORDINANCE F-478

Patrick-Watson: 4 Ayes; 1 Absent - Parra

S.D. #1

- *28) Proposed donation of surplus radio equipment to the City of Ridgecrest Police Department (Fiscal Impact: None) - APPROVED

Patrick-Watson: 4 Ayes; 1 Absent - Parra

S.D. #2

- *29) Request for sole source Agreement with Martin & HBL, a subdivision of John A. Martin & Associates, Inc., for structural engineering consultant services for the new Rosamond Fire Station, in an amount not to exceed \$25,000 (8235.8365) (Fiscal Impact: \$25,000; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1005-2004

Patrick-Watson: 4 Ayes; 1 Absent - Parra

S.D. #4

- *30) Request to set hearing for granting of pipeline franchise to Western Acres Mutual Water, Inc. (Fiscal Impact: \$1,200 Revenue to County; Unbudgeted) - ADOPTED RESOLUTION 2004-387 SETTING HEARING FOR TUESDAY, DECEMBER 7, 2004, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Patrick-Watson: 4 Ayes; 1 Absent - Parra

MATTERS FOR EXECUTIVE APPROVAL

- *31) Budget Transfers - APPROVED NO. 36 AND NO. 37

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *32) Minutes for week of October 4, 2004 - APPROVED WITH CORRECTION TO RECOMMENDATION OF ITEM NO. 14 A.M. TO READ: ELECTED SUPERVISOR ~~PATRICK~~ **MCQUISTON** AS DIRECTOR AND SUPERVISOR ~~MCQUISTON~~ **PATRICK** AS ALTERNATE DIRECTOR

Patrick-Watson: 4 Ayes; 1 Absent - Parra

- *33) Miscellaneous Letters and Documents - APPROVED

Patrick-Watson: 4 Ayes; 1 Absent - Parra

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

Patrick-Watson: 4 Ayes; 1 Absent - Parra

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

Patrick-Watson: 4 Ayes; 1 Absent - Parra

NOTE: CHAIRMAN MCQUISTON ACKNOWLEDGED DAVE FREELAND WITH THE SEQUOIA NATIONAL FOREST, GREENHORN DISTRICT, WHO WAS IN THE AUDIENCE

ADJOURNED TO MONDAY, NOVEMBER 8, 2004, AT 2:00 P.M.

Patrick

/s/ Mary Schilling
Deputy Clerk of the Board

/s/ Jon McQuiston
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.

33) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

- 1) Tract Map 6225, Phase A S.D. #1
- 2) Tract Map 6225, Phase B S.D. #1
- 3) Parcel Map 11028 S.D. #1

Community & Economic Development

- B) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with Virginia Dunning

County Administrative Office

- C) Amendments to Administrative Policy and Procedures Manual, Chapters 1 and 10

Employers' Training Resource

- D) Modification No. 2 to Agreement R588725 with the State of California Employment Development Department to incorporate and add Workforce Investment Act 25% Rapid Response funding for Program Year 2004-2005
- E) Workforce Investment Act On-the-Job Training Agreement with Smith Tech USA, Inc., WIA Title 201, dated September 24, 2004

General Services

- F) Re-recorded Deed of Trust with Assignment of Rents (Document 0204190643) to correct legal status of the Trustor from Brundage Lane Development, LLP, to Brundage Lane Development, LP

Local Agency Formation Commission

- G) Proceeding No. 1385, Report and Recommendation, in the matter of City of Bakersfield, Annexation No. 456 (Old River No. 1)
- H) Proceeding No. 1390, Report and Recommendation, in the matter of City of Bakersfield, Annexation No. 454 (Jewetta No. 4)
- I) Proceeding No. 1382, Notice of Protest Hearing, in the matter of City of Bakersfield, Annexation No. 452 (Mohawk No. 1)

Roads

- J) Received, prepared Certificate of Acceptance and forwarded to Recorder for recordation of a Quitclaim Deed from David Falk for the planned improvements at the southwest corner of Pioneer Drive at Park Drive

Miscellaneous

- K) Letter from Bob Spengler, Save Mart Supermarkets, in opposition to proposed Point-of-Sale (Scanner) Ordinance (Copies to each Supervisor, CAO, Ag Commissioner and County Counsel)

- L) Letter from Linus A. Paulus, State Department of Water Resources, re pending fee acquisition of a 157.93-acre parcel in Kern County covering portions of APN Nos. 255-050-07, 255-050-08 and 255-05-19 (Copies to each Supervisor, CAO, Planning, Assessor and County Counsel)
- M) Letter from Henry R. Renteria, Governor's Office of Emergency Services, re U.S. Department of Agriculture grant of a Secretarial disaster designation for the counties of El Dorado, Fresno and San Luis Obispo, and the contiguous counties of Alpine, Amador, Inyo, Kern, Kings, Madera, Merced, Mono, Monterey, Placer, Sacramento, San Benito, Santa Barbara and Tulare for agriculture losses caused by drought occurring between July 1, 2003 and June 30, 2004 (Copies to each Supervisor, CAO, Ag Commissioner, Emergency Services, General Services and County Counsel)
- N) Letter from State Senator Roy Ashburn in support of In-Home Supportive Services (IHSS) Home Care (Copies to each Supervisor, CAO and Aging & Adult Services)
- O) Letter from J. R. Odom, California Highway Patrol, re Hazardous Materials Incident Report on Saturday, October 16, 2004, on south bound I-5 at Cuddy Creek (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- P) Letter from Babak Naficy, attorney for the Sierra Club, re legal action concerning Sierra Club's appeal of Board approval of GPA Case No. 51, Map 101, Zone Change Case No. 137 and Tract Map 6214, southwest corner of Heath Road and Hageman Road, western Rosedale (Copies to each Supervisor, CAO, Planning and County Counsel)
- Q) E-mail from Florence Dunagan re pet euthanasia and issuing dog and cat breeders' permits (Copies to each Supervisor, CAO, Environmental Health and Animal Control)
- R) Notices from the State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Valley Acres, 27530 Taft Highway, No. 119, Taft; 7 Eleven Store, 2351 So. Union Avenue, Bakersfield; Skylark, 1312 Airport Drive, Bakersfield; Sira Harinder Kaur, 22520 Sidding Road, Bakersfield (Copies to each Supervisor, CAO and Planning)
- 34) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Debby Navarrette, Berrenda Mesa Water District, re estimate of sum required to discharge obligation for 2005 - REFERRED TO COUNTY COUNSEL
- 35) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Joe Kowalski vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Roger M. Pierce vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- C) Claim in the matter of Rogelio P. Rodriguez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Vanessa Hernandez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Chenevea Hosey vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Dale Allan Stickles, Sr. and Alice Roberta Stickles vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Regina Gholston Stonebarger vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Rose Mary Brady vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Late claim in the matter of Katherine Yvonne Dennis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Summons and complaint in the matter of Jane Spear vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Summons and complaint in the matter of Melissa Marquez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Summons and complaint in the matter of Fred Haynes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- M) Complaint in the matter of Patricia A. Lock vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- N) Subrogation claim in the matter of G. J. and Carol M. Yurkas by Automobile Club of Southern California vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)