

**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Monday, December 2, 2002

8:00 A.M.

BOARD TO RECONVENE

Supervisors: McQuiston, Perez, Patrick, Vacant, Parra  
ROLL CALL: 3 Present; 1 Absent - Parra

STAFF RECOMMENDATIONS 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

ADJOURNED TO CLOSED SESSION

**Patrick**

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 2) Request for Closed Session regarding public employees performance evaluations - Titles: Director of Aging and Adult Services; Agricultural Commissioner/Sealer; Director of Airports; Executive Director of Board of Trade; Interim Director of Child Support Services; Clerk of the Board of Supervisors; County Administrative Officer; County Counsel; Director of Emergency Medical Services; Director of Employers' Training Resource; Fire Chief; Human Services Director; Chief Executive Officer of Kern Medical Center; Library Director; Director of Mental Health Services; Parks and Recreation Director; Public Defender; Director of Public Health Services; Director of Resource Management Agency; Veterans Service Officer; and Waste Management Director -

RECONVENED FROM CLOSED SESSION; RECESSED TO TUESDAY, DECEMBER 3, 2002 AT 9:00 A.M.

**McQuiston-Patrick**

/s/ Denise Pennell  
Clerk of the Board

/s/ Steve A. Perez  
Chairman, Board of Supervisors

**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, December 3, 2002

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Perez, Patrick, Vacant, Parra  
ROLL CALL: 3 Present; 1 Absent - Parra

SALUTE TO FLAG - Led by Supervisor Patrick

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.

BOARD ACTION SHOWN IN CAPS

NOTE: Supervisor Patrick recognized Marilyn Hallman, Third District appointee to the Human Relations Commission.

NOTE: The Honorable John I. Kelly administered the Oath of Office to Fourth District Supervisor Raymond A. Watson, and Supervisor Watson assumed his seat on the dais.

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming December 2002 as Christmas Canned Food Month in Kern County - PROCLAIMED; MADE PRESENTATION TO PHIL ZANDER, GOLDEN EMPIRE GLEANERS; PHIL ZANDER AND CHIEF DEPUTY DENNIS THOMPSON, KERN COUNTY FIRE DEPARTMENT, HEARD

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- 2) Resolution honoring and commending James A. Rhoades upon his retirement with 35½ years of service to Kern County - ADOPTED RESOLUTION; MADE PRESENTATION TO JAMES RHOADES; JAMES RHOADES, LARRY RHOADES, AND ANN BARNETT, AUDITOR-CONTROLLER-COUNTY CLERK ELECT, HEARD; MR. RHOADES' FAMILY AND FRIENDS WERE INTRODUCED

**McQuiston-Patrick: 4 Ayes; 1 Absent - Parra**

APPOINTMENTS

- \*3) Appointment of Marilyn Hallman as Third District Member to the Human Relations Commission, term to expire February 12, 2003 - MADE APPOINTMENT

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

PUBLIC PRESENTATIONS

- 4) 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! - MARK COREY, DESERT COUNSELING CLINIC; SELENA WILSON; MIKE LYONS; NATHAN LOOK; RAYNA MCDANIELS; AND CERI HULUGALLE HEARD REGARDING TERMINATION OF ALL AGREEMENTS AT DESERT COUNSELING CLINIC

REFERRED TO MENTAL HEALTH SERVICES, COUNTY ADMINISTRATIVE OFFICE, AUDITOR-CONTROLLER, AND COUNTY COUNSEL TO CONTINUE EFFORTS WITH REGARD TO TRANSITION OF SERVICES AND THE ISSUE OF BACK PAY AND REPORT BACK TO THE BOARD ON TUESDAY, DECEMBER 17, 2002 AT 9:00 A.M.

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) 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 MCQUISTON ANNOUNCED HE WILL ATTEND A MEETING IN LOS ANGELES TO BRIEF THE CALIFORNIA BASE RETENTION AND CONVERSION COUNCIL ON THE SOUTHWEST DEFENSE ALLIANCE AND SOUTHWEST DEFENSE COMPLEX

DEPARTMENTAL REQUESTS

AUDITOR-CONTROLLER-COUNTY CLERK

- \*6) Certification of results of the General Election held November 5, 2002 - DECLARED THE NOVEMBER 5, 2002 GENERAL ELECTION RESULTS OFFICIAL, AS CERTIFIED BY THE COUNTY CLERK, PURSUANT TO ELECTIONS CODE SECTION 15400

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

COUNTY COUNSEL

- \*7) Proposed Amendment No. 1 to Agreement 423-2000 with Valley Oak Systems, Inc., for additional software licenses and maintenance, effective December 3, 2002, in an amount not to exceed \$51,060 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1113-2002

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

FIRE DEPARTMENT

- \*8) Proposed retroactive Agreement with California Department of Forestry & Fire Protection for cooperative fire protection to State Responsibility Areas within Kern County, from July 1, 2002, to June 30, 2005, in an amount not to exceed \$27,650,765 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1114-2002

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

KERN MEDICAL CENTER

- \*9) Request for establishment of interest-bearing trust fund for physician professional fees - AUTHORIZED ESTABLISHMENT OF FUND; AUTHORIZED CHAIRMAN TO DIRECT AUDITOR-CONTROLLER TO SET UP FUND

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

- \*10) Proposed Amendment No. 2 to Agreement 1084-2002 with MedStaff, Inc., for interim nursing assignments, amending rate schedule - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1115-2002

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

- \*11) Proposed Agreement with Tillinghast-Towers Perrin to provide actuarial services, in an amount not to exceed \$10,800 (continued from 11/26/2002) - CONTINUED TO TUESDAY, DECEMBER 10, 2002 AT 9:00 A.M.

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

MENTAL HEALTH SERVICES

- \*12) Proposed Amendment No. 2 to Agreement 488-2002 with Clinica Sierra Vista, Inc., for behavioral health services for clients residing in the Delano area, to add Substance Abuse and Crime Prevention Act of 2000 (SACPA) reporting requirement to original agreement (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1116-2002

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 12A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE IMMEDIATE ACTION TO TERMINATE ALL EXISTING AGREEMENTS WITH DESERT COUNSELING CLINIC, INC. IS NEEDED AND THE ABILITY AND NEED TO TAKE SUCH ACTION CAME TO THE ATTENTION OF COUNTY STAFF SUBSEQUENT TO THE AGENDA BEING POSTED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- 12A) Notification of determination to terminate all Agreements with Desert Counseling Clinic, Inc., effective December 1, 2002 - RECEIVED AND FILED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

PUBLIC HEALTH SERVICES

- \*13) Request for approval for B. A. Jinadu, M.D., M.P.H., Director of Public Health Services/Health Officer to be absent from the State for vacation from December 11, 2002 through January 21, 2003 - APPROVED

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

SHERIFF

- \*14) Application to hold a Parade - Kernville Chamber of Commerce on December 7, 2002 - 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 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

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

- \*15) Application to hold a Parade - Saint Augustine Catholic Church on December 8, 2002 - 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 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

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

SUPERIOR COURT

- \*16) Proposed Resolution directing the order of disbursement of installment payments of criminal restitution, fines, forfeitures, costs and penalties under Penal Code Section 1203.1d - APPROVED; ADOPTED RESOLUTION 2002-474

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

TREASURER-TAX COLLECTOR

- \*17) Independent auditor's reports for Deferred Compensation Plans I and II Financial Statements for Fiscal Year 2001-2002 - RECEIVED AND FILED

**Patrick-McQuiston: 3 Ayes; 1 Absent - Parra**

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 18) Request for Closed Session regarding Meet and Confer, CCAPE, KCFFU, KLEA, and KCPA -

**WITHDRAWN**

RECESSED TO 2:00 P.M.

**Patrick**

/s/ Denise Pennell  
Clerk of the Board

/s/ Steve A. Perez  
Chairman, Board of Supervisors

## SUMMARY OF PROCEEDINGS

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Bakersfield, California

Regular Meeting  
Tuesday, December 3, 2002

2:00 P.M.

BOARD RECONVENED

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

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

#### PUBLIC PRESENTATIONS

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- 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

#### GENERAL PLAN AMENDMENT HEARINGS

##### RESOURCE MANAGEMENT AGENCY Planning Department

Amendment of the Land Use, Open Space and Conservation Element, the Circulation Element, and Maximum Allowed Land Use Density Table of the Kern County General Plan, Metropolitan Bakersfield 2010 General Plan, Chevron Section One Specific Plan, Casa Loma Specific Plan; Adoption of the Tejon Industrial Complex-East Specific Plan; Alteration of Agricultural Preserve 8; Other Items as Cited Which Include Amendments of Certain Zoning Maps and Applications and Proceedings

- \*3) **Request from Ron Burgess by B & L Anderson Consulting to change the permitted uses from Agriculture to Industrial and a precise development plan for the development of contractor warehouses, office space, and outside storage on 6.36 acres, located on the northwest corner of Seventh Standard Road and Beech Avenue, approximately three miles south of Shafter (SD 1)**

Specific Request:

(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.4 to Map Code(s) 7.2 or a more restrictive map code designation (GPA #11, Map #79)

(b) A change in zone classification from A to M-2 PD or a more restrictive district (ZCC #33, Map #79)

(c) Exclusion of approximately 6.36 acres from the boundaries of an Agricultural Preserve (Ag Pres #8 - Excl)

(d) A Precise Development Plan for the development of contractor warehouses, office spaces, and storage yards in an M-2 PD District (PD Plan #21, Map # 79)

(Negative Declaration; Published Shafter Press) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION; ADOPTED RESOLUTIONS 2002-475 THROUGH 2002-478 AND ENACTED ORDINANCE G-6932 APPROVING GENERAL PLAN AMENDMENT, ZONE CHANGE, AND EXCLUSION, AS REQUESTED, AND APPROVING PRECISE DEVELOPMENT PLAN SUBJECT TO CONDITIONS

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*4) **Request from DeWalt Corporation to change the permitted use from General Commercial to single-family Residential on approximately nine acres, from single-family Residential to multifamily Residential on approximately three acres, and from single-family Residential to Commercial on approximately nine acres, located north of West Day Avenue and south of Seventh Standard Road, between Airport Drive and North Chester Avenue, north Bakersfield (SD 1)**

Specific Request:

(a) Amend the Chevron Section One Specific Plan from Map Code(s) 6.1, 5.2, and 5.3 to Map Code(s) 6.1, 5.2, and 5.3 or more restrictive map code designations and amend the Maximum Allowed Land Use Density Table for the Kern County General Plan (GPA #7, Map #102-1)

(b) A change in zone classification from C-2 PD H, R-1, and R-2 PD to C-2 PD, R-1, and R-2 PD or more restrictive districts (ZCC #30, Map #102-1)

(Statutorily Exempt, Sections 15162 and 15182; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2002-475 AND 2002-479 AND ENACTED ORDINANCE G-6933 APPROVING SPECIFIC PLAN AMENDMENT AS REQUESTED AND APPROVING ZONE CHANGE, WITH THE ADDITION OF THE H (AIRPORT APPROACH HEIGHT COMBINING) DISTRICT TO THE R-1 DISTRICT, TO BE HELD IN SUSPENSE PENDING RECORDATION OF THE FINAL TRACT MAP

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**



- 5) **Request from Eugene L. Nelson by Barnhill Consulting, Inc., to amend the General Plan from ten unit per acre residential and General Commercial to Light Industrial on 4.75 acres, located on West side of Sierra Way, 1-1/2 miles south of Kernville (SD 1)**

Specific Request:

(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.3 and 6.2 to Map Code(s) 7.1 or a more restrictive map code designation (GPA #1, Map #17-22)

(b) A change in zone classification from CH and R-1 to M-1 PD H or a more restrictive district; the proposed 4.75-acre project site is for development of two 5,000-square-foot warehouses with portions to be leased to local off-site businesses; the actual design of the warehouses and site layout will take place after approval of the project and will be submitted for approval as a precise development plan (ZCC #11, Map #17-22)

(Negative Declaration; Published Kern Valley Sun) - OPENED HEARING; BILL WILSON; GLEN BARNHILL, PRESIDENT, BARNHILL CONSULTING, INC., REPRESENTING EUGENE NELSON; AND EUGENE NELSON HEARD; CONTINUED TO TUESDAY, JANUARY 7, 2003, AT 2:00 P.M.

**McQuiston-Patrick: 4 Ayes; 1 Absent - Parra**

- \*6) **Request from Kern County Waste Management Department to amend the Land Use, Open Space and Conservation Element designation and zoning to increase surrounding buffer area of existing Mojave-Rosamond Sanitary Landfill and document associated monitoring projects on 253 acres, located east of United Street, north of Reed Avenue; south of the AT&SF railroad; north, east, and west of the Mojave-Rosamond Sanitary Landfill; southeast of Mojave (SD 2)**

Specific Request:

(a) and (b) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.3 and 8.5 to Map Code(s) 3.4 or a more restrictive map code designation; amend the Circulation Element of the Kern County General Plan to eliminate Lone Butte Road from 1/2 mile north to 1/2 mile south of Silver Queen Road (GPA #18, Map #196; GPA #19, Map #213)

(c) and (d) A change in zone classification from A-1 to A or a more restrictive district (ZCC #39, Map #196; ZCC #51, Map #213)

(e) Amend the legal description of Conditional Use Permit 7, Map 213 to include additional buffer property (CUP #7, Map #213)

(Environmental Impact Report; Published Mojave Desert News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, CERTIFIED THE ENVIRONMENTAL IMPACT REPORT; ADOPTED SECTION 15091 FINDINGS AND SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2002-475, 2002-480 AND 2002-481 AND ENACTED ORDINANCES G-6934 AND G-6935 APPROVING GENERAL PLAN AMENDMENTS AND ZONE CHANGES, AS REQUESTED, APPROVING THE MODIFICATION TO THE CONDITIONAL USE PERMIT SUBJECT TO CONDITIONS

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*7) **Request from Corrie Vanderham by Rick Vanderham to delete the future 90-foot road reservation for the midsection lines within the dairy facility property, located at the southeast corner of Riverside Street and Palm Avenue, southwest of Shafter (SD 4)**  
Specific Request:  
Amend the Circulation Element of the Kern County General Plan to eliminate the midsection lines of Section 24, T28S, R24E, MDB&M, as future collector alignments (GPA #3, Map #78)  
(Environmental Impact Report; Published Shafter Press) -  
CONTINUED TO TUESDAY, DECEMBER 17, 2002, AT 2:00 P.M.  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**
- \*8) **Request from Accommodators, Inc. by Klassen Construction to delete the secondary highway designation along the north-south and east-west midsection lines of Section 22, T28S, R24E, located on the north side of Burbank Street, between Leonard Avenue and Magnolia Avenue, Shafter area (SD 4)**  
Specific Request:  
Amend the Circulation Element of the Kern County General Plan to delete the secondary highway designation along the north-south and east-west midsection lines of Section 22, T28S, R24E, MDB&M (GPA #4, Map #78) (General Rule, Section 15061(b)(3); Published Shafter Press) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2002-475 APPROVING GENERAL PLAN AMENDMENT AS REQUESTED  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**
- \*9) **Request from Harry Samarin by Klassen Construction to delete the secondary highway designation along the north-south midsection line and the west half of the east-west midsection line of Section 17, T25S, R24E, for a new by-right dairy site located on the south side of Garces Highway, 1/2 mile west of Scofield Avenue, Delano area (SD 4)**  
Specific Request:  
Amend the Circulation Element of the Kern County General Plan to delete the secondary highway designation along the north-south midsection line and the west half of the east-west midsection line of Section 17, T25S, R24E (GPA #2, Map #8) (General Rule, Section 15061(b)(3); Published Delano Record) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2002-475 APPROVING GENERAL PLAN AMENDMENT AS REQUESTED  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*10) **Request from George Plantenga by Klassen Corporation to delete a future major highway alignment along the north section line of Section 36, T31S, R26E for an existing dairy site; and to delete a major highway designation along the north section line and to delete a secondary highway designation along the north-south midsection line of Section 31, T31S, R27E, located one mile south of Bear Mountain Boulevard, between Interstate 5 and Old River Road, south of Bakersfield (SD 4)**

Specific Request:

(a) Amend the Circulation Element of the Kern County General Plan to delete a future major highway alignment along the north section line of Section 36, T31S, R26E, MDB&M (GPA #5, Map #141)

(b) Amend the Circulation Element of the Kern County General Plan to delete a major highway designation along the north section line and to delete a secondary highway designation along the north-south midsection line of Section 31, T31S, R27E, MDB&M (GPA #16, Map #142)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2002-475 APPROVING GENERAL PLAN AMENDMENT

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*11) **Request from Curtis Darling by Delmarter and Deifel to change the permitted uses from Agriculture and Mineral and Petroleum Extraction to Commercial and Floodplain on 37.2 acres, located on the west side of Interstate 5, one mile north of Laval Road interchange, Wheeler Ridge (SD 4)**

Specific Request:

(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.1 and 8.4/2.5 to Map Code(s) 6.3 and 6.3/2.5 or more restrictive map code designations (GPA #5, Map #202)

(b) A change in zone classification from A and A-1 to CH PD on 6.26 acres, CH PD FPS on 18.90 acres, and FPP on 12.04 acres or more restrictive districts (ZCC #15, Map #202)

(Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, JANUARY 7, 2003, AT 2:00 P.M.

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*12) **Request from Tejon Industrial Corporation by Barnhill Consulting, Inc., to change the permitted uses from Light Industrial and Mineral and Petroleum to General Industrial and Commercial to be regulated by a Specific Plan for 1,109 acres, 25 miles south of Bakersfield, east side of Interstate 5 at Laval Road; the request includes a Development Agreement with the County, excluding 959 acres from an Agricultural Preserve area, canceling 130 acres of land under agricultural contract and adopting a fee for the County to review all future development plans upon application of building permits (SD 4)**

Specific Request:

(a) and (b) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 7.1 and 8.4 to Map Code(s) 4.1 or a more restrictive map code designation; amend the Circulation Element to delete section line (arterial) alignments and midsection line (collector) alignments within the Specific Plan area (GPA #4, Map #202; GPA #6, Map #219)

(Continued on Page 12)

(Continued from Page 11)

(c) Adoption of the Tejon Industrial Complex-East Specific Plan by ordinance which will establish the zoning for the property within the Specific Plan area; (adopt Tejon Industrial Complex-East Specific Plan)

(d) Adoption of a Specific Plan Line for a collector alignment (Specific Plan Line)

(e) and (f) A change in Kern County zone classification from M-1 PD, C-2 PD, and A to Tejon Industrial Complex-East Specific Plan designation GI (General Industrial) or a more restrictive designation; (ZCC #14, Map #202; ZCC #11, Map #219)

(g) A Development Agreement for Tejon Industrial Complex-East; (Development Agreement for Tejon Industrial Complex-East)

(h) Amend the Development Agreement for Tejon Industrial Complex-West (amend Development Agreement for Tejon Industrial Complex-West)

(i) Adopt a resolution for a Development Review Fee for the zoning review of projects within the Tejon Industrial Complex-East Specific Plan (Development Review Fee)

(j) Exclusion of approximately 959 acres from the boundaries of an Agricultural Preserve (Ag Pres #19 - Excl)

(k) Cancellation of 130 acres of a Land Use Contract (Cancellation #01-2, Map #219)

(Environmental Impact Report; Published Bakersfield Californian and Mountain Enterprise) - CONTINUED TO TUESDAY, JANUARY 21, 2003, AT 2:00 P.M.

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*13) **Request from Corporation for Better Housing by DeWalt Corporation to change the permitted use from Industrial to Residential on 42.50 acres, located at the northeast corner of Cottonwood Road and Casa Loma Drive, southeast Bakersfield (SD 5)**

Specific Request:

(a) Amend the Casa Loma Specific Plan from Map Code(s) 7.2 and 7.2/3.3 to Map Code(s) 5.2 and 5.3 or more restrictive map code designations (GPA #4, Map #124-4)

(b) A change in zone classification from 7.2 and 7.2/3.3 to 5.2 and 5.3 (Casa Loma Specific Plan) or more restrictive districts (ZCC #5, Map #124-4)

(Negative Declaration; Published Bakersfield News Observer) - CONTINUED TO TUESDAY, JANUARY 7, 2003, AT 2:00 P.M.

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*14) **Request from Olivia De La Rosa and Marlena Sarah Munoz by Nelms Surveying to change the permitted uses from Mineral Petroleum and Agriculture to Residential and to allow additional dwellings on 19.64 acres, located at 5610 and 5618 Weedpatch Highway, Bakersfield (SD 5)**

Specific Request:

(a) Amend the Metropolitan Bakersfield 2010 General Plan from Map Code(s) R-MP to Map Code(s) RR or a more restrictive map code designation (GPA #17, Map #124)

(b) A change in zone classification from A to E (5) RS MH PE or a more restrictive district (ZCC #65, Map #124)

(c) A Conditional Use Permit to allow additional dwellings (Section 19.16.030.B) in an E (5) RS MH PE District (CUP #55, Map #124)

(Continued on Page 13)

(Continued from Page 12)

(General Rule, Section 15061(b)(3); Published Lamont Reporter) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2002-475, 2002-482 AND 2002-483 AND ENACTED ORDINANCE G-6936 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED AND APPROVING CONDITIONAL USE PERMIT SUBJECT TO CONDITIONS

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

NOTE: AGENDA ITEM NO. 26 WAS HEARD OUT OF ORDER BEFORE ITEM NO. 15

- 15) **Request from City of Bakersfield and County of Kern to update the Metropolitan Bakersfield General Plan to reflect community development issues and policy changes that have occurred since adoption of the plan in 1990 (All SD's)**

Specific Request:

Metropolitan Bakersfield General Plan Update (GPA P01-0973 [City]; GPA 120, Map 500 [County]); the "Metropolitan Bakersfield General Plan Update" proposes to amend the text and land use, circulation, and bikeways maps of the current Metropolitan Bakersfield 2010 General Plan; proposed revisions address current and future development issues, as well as acknowledge programs that conserve resources and address quality of life issues, including the incorporation of concepts from the Greater Bakersfield Vision 2020 program; it is the intent of this update program to reflect the community development issues and policy changes that have occurred since adoption of the plan in 1990 (GPA #120, Map #500)

(Environmental Impact Report; Published Bakersfield Californian; Lamont Reporter) - OPENED HEARING; HERMAN RUDELL, DOWNTOWN BUSINESS AND PROPERTY OWNERS ASSOCIATION; HERMAN RUDELL, CITIZEN; RENE NELSON; DOUG CARTER, IMMEDIATE PAST PRESIDENT KERN COUNTY FARM BUREAU AND CHAIRMAN OF THE LAND USE COMMITTEE; PAULINE LARWOOD, EXECUTIVE DIRECTOR, SMART GROWTH COALITION; JOHN FALGATTER, PRESIDENT, SMART GROWTH COALITION; GORDON NIPP, SIERRA CLUB; DENNIS FOX; BRIAN TODD, BUILDING INDUSTRY ASSOCIATION; AND ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, MADE SECTION 15091 FINDINGS AND ADOPTED SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS; CERTIFIED ENVIRONMENTAL IMPACT REPORT; ADOPTED MITIGATION MONITORING PROGRAM AND UPDATED GENERAL PLAN BY RESOLUTION 2002-475 INCLUDING INCORPORATING MITIGATION MEASURES INTO TEXT AS POLICY, AS RECOMMENDED; REFERRED WATER RELATED CONCERNS TO PLANNING DEPARTMENT TO REPORT BACK TO THE BOARD; RECEIVED AND FILED DOCUMENTS

**Watson-Patrick: 4 Ayes; 1 Absent - Parra**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #4

- \*16) Determination of Compatibility - Mining on Contracted Land by Jerry Medlen Trucking - MADE FINDING THE PROPOSED MINING OPERATION IS COMPATIBLE WITH THE WILLIAMSON ACT PROGRAM AND WITH THE PROVISIONS OF SECTION 51238.2 OF THE STATE GOVERNMENT CODE, SUBJECT TO THE FINDINGS SET FORTH IN PLANNING DEPARTMENT REPORT

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

Miscellaneous

All S.D.'s

- \*17) Request to set hearing date for proposed amendments to Ordinances relating to fees and operations of Metropolitan Bakersfield Habitat Conservation Plan - WAIVED READING; INTRODUCED ORDINANCES; SET TUESDAY, JANUARY 14, 2003, AT 2:00 P.M., AS HEARING DATE FOR APPROVAL OF THE ORDINANCE CHANGES; DESIGNATED COUNTY COUNSEL AS OFFICIAL TO PREPARE A FAIR AND ADEQUATE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH REQUIRED NOTICE AND SUMMARY IN ACCORDANCE WITH SECTIONS 25124(b)(1) AND 65091 OF THE CALIFORNIA GOVERNMENT CODE

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #2

- \*18) Tract 4947, Unit "A", south side of Rosamond Boulevard, east of 35th Street, acceptance of improvements and release of Faithful Performance Security in Subdivision Improvement Agreement, Peerless Building Corporation - ACCEPTED COMPLETED STREET, WATER AND SEWER IMPROVEMENTS; RELEASED FAITHFUL PERFORMANCE BOND NO. 4448, UNDERWRITTEN BY ULICO CASUALTY COMPANY, IN THE AMOUNT OF \$951,300; ADOPTED RESOLUTION 2002-484 ACCEPTING ROADS WITHIN TRACT 4947, UNIT "A" INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*19) Request for County Service Area revolving fund loan in the amount of \$50,000 to provisionally close the Rosamond Westpark Pool, County Service Area 63.5 - APPROVED DISBURSEMENT OF \$50,000 FROM COUNTY SERVICE AREA REVOLVING FUND (00520) TO CSA NO. 63.5 (40851); ADOPTED RESOLUTION 2002-485 OF DISBURSEMENT; RECOGNIZED \$50,000 IN UNANTICIPATED REVENUES FOR CSA NO. 63.6; APPROVED TRANSFER OF \$50,000 FROM APPROPRIATIONS FOR CONTINGENCIES, CSA NO. 63.5, BUDGET UNIT 9294, TO KEY 7272, TO FUND THE POOL CLOSURE; DIRECTED ENGINEERING & SURVEY SERVICES TO PROCEED TO CLOSE THE POOL

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

S.D. #5

- \*20) Contract No. 02008, Notice of Completion of East Bakersfield Curb and Gutter Improvements - RECEIVED AND FILED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

RESOURCE MANAGEMENT AGENCY  
Environmental Health Services

All S.D.'s

- \*21) Request to apply for California Integrated Waste Management Board Waste Tire Enforcement Grant Funding, in the amount of \$200,000 - APPROVED; ADOPTED RESOLUTION 2002-486 AUTHORIZING DEPARTMENT TO SUBMIT APPLICATION; AUTHORIZED DIRECTOR OF ENVIRONMENTAL HEALTH SERVICES DEPARTMENT TO SIGN GRANT APPLICATION

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #2

- \*22) Rosamond/Willow Springs Transportation Impact Fee Program, Reconciliation of Account, and request for public hearing - SET TUESDAY, DECEMBER 17, 2002, AT 2:00 P.M., AS HEARING DATE FOR ANNUAL ADOPTION OF CAPITAL IMPROVEMENT PLAN FOR THE ROSAMOND/WILLOW SPRINGS TRANSPORTATION IMPACT FEE PROGRAM; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH REQUIRED NOTICE IN ACCORDANCE WITH SECTIONS 66002(b), 65090 AND 6061 OF THE CALIFORNIA GOVERNMENT CODE

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

S.D. #4

- \*23) Proposed Regional Impact Fee Program Credit Agreement with GSJB Development, Inc., for developer constructed improvements, in the amount of \$63,536.68 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1117-2002

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

S.D. #5

- \*24) Contract No. 03006, identify apparent low bid of E & M Constructors for construction on Hall Road from San Diego Street to State Highway 184, in an amount not to exceed \$64,023 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY BID DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

All S.D.'s

- \*25) Metropolitan Bakersfield Transportation Impact Fee Program, Reconciliation of Account, and request for public hearing - SET TUESDAY, DECEMBER 17, 2002, AT 2:00 P.M., AS HEARING DATE FOR ANNUAL ADOPTION OF CAPITAL IMPROVEMENT PLAN FOR THE METROPOLITAN BAKERSFIELD TRANSPORTATION IMPACT FEE PROGRAM; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH REQUIRED NOTICE IN ACCORDANCE WITH SECTIONS 66002(b), 65090 AND 6061 OF THE CALIFORNIA GOVERNMENT CODE

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

NOTE: ITEM NO. 26 WAS HEARD OUT OF ORDER BEFORE ITEM NO. 15

WASTE MANAGEMENT

All S.D.'s

- 26) Report concerning an update on Cost Savings Measures - ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; RECEIVED AND FILED

**Patrick-Watson: 4 Ayes; 1 Absent - Parra**

COUNTY ADMINISTRATIVE OFFICE

- \*27) Proposed Best Practices Information Security Program (from 11/12/2002 and 11/26/2002) - APPROVED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #4

- \*28) Plans and specifications for tot lot improvements at the Derby Acres, Ford City, Lost Hills and Valley Acres parks (1960.8247 B & F) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, JANUARY 9, 2003, AT 2:00 P.M.

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

All S.D.'s

- \*29) Appropriation of unanticipated revenue in the amount of \$36,500 for purchase of an Animal Control truck - APPROVED THE APPROPRIATION OF UNANTICIPATED REVENUE TO GARAGE ISF IN THE AMOUNT OF \$36,500; APPROVED A BUDGET TRANSFER TO ESTABLISH THE FIXED ASSET ACCOUNT, IN THE AMOUNT OF \$36,500, WITHIN THE FLEET SERVICES BUDGET UNIT 8950

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*30) Request to receive and file Certificate of Deposit from Oildale Mutual Water Company for Franchise F-74 - DIRECTED CLERK OF THE BOARD TO FILE VALLEY INDEPENDENT BANK CERTIFICATE OF DEPOSIT, ACCOUNT NO. 041202246/1, IN THE AMOUNT OF \$1,000 WITH TREASURER'S OFFICE; RELEASED FIREMAN'S FUND INSURANCE COMPANY BOND NO. C-6322768

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

COUNTY ADMINISTRATIVE OFFICE

Information Technology Services

- \*31) Request to increase sole source blanket purchase order for telephone equipment through Avaya Communications, from \$50,000 to a total amount not to exceed \$300,000 - APPROVED; AUTHORIZED PURCHASING AGENT TO INCREASE THE SOLE SOURCE PURCHASE ORDER

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**



CONSIDERATION OF ORDINANCES INTRODUCED ON NOVEMBER 26, 2002

- \*32) Proposed Ordinance adding Section 10.04.354 to Chapter 10.04 to the Kern County Ordinance Code, concerning a 40 m.p.h. speed limit on Goat Ranch Road - ENACTED ORDINANCE G-6937

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*33) Proposed Ordinance adding Section 10.04.661 to Chapter 10.04 to the Kern County Ordinance Code, concerning a 45 m.p.h. speed limit on Pegasus Drive - ENACTED ORDINANCE G-6938

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*34) Proposed Ordinance adding Subsection 10.24.021.25 to Chapter 10.24 to the Kern County Ordinance Code, concerning a handicapped parking zone on Oregon Street - ENACTED ORDINANCE G-6939

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*35) Proposed Ordinance amending Subsection (C) of Section 2.66.030 of Chapter 2.66, Title 2, of the Kern County Ordinance Code, concerning the Kern County Emergency Council - ENACTED ORDINANCE G-6940

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*36) Proposed Ordinance of the Kern County Ordinance Code approving the second amendment to the Redevelopment Plan for the California City Redevelopment Project Area - ENACTED ORDINANCE G-6941

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*37) Proposed Ordinance repealing Chapters 7.04 and 7.08 and adding new Chapters 7.04 and 7.08 to the Kern County Ordinance Code regulating animals; and proposed Uncodified Ordinance of the Kern County Ordinance Code, establishing license and permit fees related to Animal Control Services - ENACTED ORDINANCES G-6942 AND G-6943

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

MATTERS FOR EXECUTIVE APPROVAL

- \*38) Budget Transfers - APPROVED #68 THROUGH #69

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*39) Minutes for Week of November 11, 2002 - APPROVED WITH CORRECTION TO ITEM NO. 50 P.M. TO ADD BUDGET TRANSFER NUMBERS **43 THROUGH 53**

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*40) Miscellaneous Letters and Documents - FILED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*41) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

- \*42) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Patrick-McQuiston: 4 Ayes; 1 Absent - Parra**

ADJOURNED TO TUESDAY, DECEMBER 10, 2002, AT 9:00 A.M.

**Patrick-**

/s/ Tracey E. Cody  
Administrative Coordinator

/s/ Steve A. Perez  
Chairman, Board of Supervisors

40) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

Tract Map 6052, Phase 1 S.D. 2

Local Agency Formation Commission

- B) Report and Recommendation, Proceeding No. 1343, in the matter of City of Bakersfield, Annexation No. 435 (Oswell No. 8 - Wible No. 12) (Copies to each Supervisor and CAO)
- C) Report and Recommendation, Proceeding No. 1346, in the matter of City of Bakersfield, Annexation No. 436 (Stockdale No. 15 - Bloomquist No. 1) (Copies to each Supervisor and CAO)
- D) Agenda of meeting on Tuesday, November 26, 2002 (Copies to each Supervisor and CAO)
- E) Minutes of meeting on Tuesday, October 22, 2002 (Copies to each Supervisor and CAO)

Miscellaneous

- F) Letter from Don James in opposition to Kern Recreation Camp (Copies to each Supervisor, CAO, Planning and County Counsel)
- G) Letter from Christie Oveson in support of Kern Recreation Camp (Copies to each Supervisor, CAO, Planning and County Counsel)
- H) Letter from Tom Smegal, California Water Service Company, re proposed rate increases in Kern River Valley District and Antelope Valley District (Copies to each Supervisor, CAO and General Services)
- I) Letter from Mark C. Salvaggio, City of Bakersfield Water Board, re Kern County's Ordinance on land application of biosolids (Copies to each Supervisor, CAO, Resource Management Agency, County Counsel and Environmental Health)
- J) Two (2) letters in opposition to the increase in Solid Waste Management Service Charges for 2003-2004 (Copies to each Supervisor, CAO, Waste Management and County Counsel)
- K) Annual Report, 2001-2002, Kern County Law Library (Copies to each Supervisor and CAO)
- L) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, September 12, 2002

- 41) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Ara Marderosian re modifications by Robert Sellers of Fay Ranch Road, Weldon - REFERRED TO RESOURCE MANAGEMENT AGENCY (Copies to each Supervisor, CAO, Planning, Roads, Engineering and Survey Services and County Counsel)
  - B) Letter from Debby Navarrette, Berrenda Mesa Water District, re assessment roll for calendar year 2003 - REFERRED TO COUNTY COUNSEL
- 42) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Pablo Estrada, Joseph Lee Estrada and Michael Neil McKnight vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Late claim in the matter of Pablo Estrada, Joseph Lee Estrada, a minor, and Michael Neil McKnight, a minor vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Kimberly Young and Sean Young vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Ray Johnson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Joshua Sterling Cole and Sterling Jack Cole vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Claim in the matter of M. Henry Cartwright vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)