

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, December 7, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Watson

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

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

HUMAN SERVICES

- *3) Proposed Agreement with Thomas V. Reese, Sr., M.D., for medical consultation services, from January 1, 2005 through December 31, 2006, in an amount not to exceed \$75,000 (Fiscal Impact: \$75,000; State and Federal Funds; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1064-2004

Patrick-Watson: All Ayes

KERN MEDICAL CENTER

- *4) Notification of retroactive Agreement with University Children's Medical Group, Inc., an independent contractor, for pediatric endocrinology services (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Watson: All Ayes

- *5) Notification of retroactive Amendment No. 8 to Agreement with CompHealth, Inc., an independent contractor, for temporary physician and non-physician staffing (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Watson: All Ayes

LAW LIBRARY

Hearing

- 6) Proposed Resolution increasing Law Library filing fee by \$3 to \$21 per filing (Fiscal Impact: \$60,000 annual revenue for Law Library Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2004-427

Watson-Parra: All Ayes

LIBRARY

- *7) Request to accept donated books and videos valued at \$16,200 from the Irvine Museum (Fiscal Impact: None) - ACCEPTED DONATION; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Patrick-Watson: All Ayes

- *8) Request to accept Grant under "Services for Small Businesses in a Box-Mini-Grant Program" (Fiscal Impact: \$10,000; Not Budgeted; Discretionary) - ACCEPTED GRANT; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$10,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$10,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 6210; AUTHORIZED DIRECTOR OF LIBRARIES TO EXECUTE NECESSARY GRANT DOCUMENTS

Patrick-Watson: All Ayes

MENTAL HEALTH SERVICES

- *9) Proposed retroactive Agreement with B. Vision, Inc., to provide therapeutic behavioral services for Kern County children in out-of-county group home placements in the Fresno area, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$200,000 - (Fiscal Impact: \$200,000; Medi-Cal, State; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1065-2004

Patrick-Watson: All Ayes

- *10) Proposed retroactive Agreement with Youth Connection of Ventura County, dba Casa Pacifica, to provide therapeutic behavioral services for Kern County children in out-of-county group home placements in the Ventura and Santa Barbara areas, from October 13, 2004 through June 30, 2005, in an amount not to exceed \$200,000 (Fiscal Impact: \$200,000; Medi-Cal, State; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1066-2004

Patrick-Watson: All Ayes

PERSONNEL

- 11) Classification of positions recommended by Civil Service Commission effective December 7, 2004 (Fiscal Impact: None) (from November 30, 2004) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Parra: All Ayes

PUBLIC HEALTH SERVICES

- 12) Response to referral by the Board of Supervisors on October 11, 2004 to identify the level of enhanced educational efforts by Kern County schools for teenage pregnancies - RECEIVED AND FILED

Parra-Patrick: All Ayes

- *13) Proposed retroactive Agreement with Kern County Superintendent of Schools for professional services by the Child Care Health Consultancy Services, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$261,686 (prior notification September 28, 2004) (Fiscal Impact: \$261,686; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1067-2004

Patrick-Watson: All Ayes

SHERIFF

- *14) Authorization for Sheriff to participate in the implementation of a Kern County Sheriff's Activities League (SAL) Program (Fiscal Impact: None) - APPROVED

Patrick-Watson: All Ayes

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IHSS
PUBLIC AUTHORITY

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSIONS

Patrick

CLOSED SESSION

IHSS PUBLIC AUTHORITY

- 15) Request for Closed Session regarding Meet and Confer - UDWA
-

RECONVENED FROM CLOSED SESSION; ADJOURNED AS IHSS PUBLIC
AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

Patrick-Parra: All Ayes

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 16) Request for Closed Session re public employee performance
evaluation - Title: Fire Chief -

COUNTY COUNSEL

- 17) Request for closed session regarding a lawsuit entitled
County of Kern vs. Carl Sparks, et al., KCSC Case No. S-
1500-CV254074 RJA (Government Code Section 54956.9(a)) -

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

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

Parra-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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BOARD OF SUPERVISORS - COUNTY OF KERN

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

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

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Patrick-Parra: All Ayes

KERN SANITATION AUTHORITY

- #1) Request for approval of a proposed addition to Kern Sanitation Authority's sewer system for development of the Corporation for Better Housing in East Bakersfield (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Watson-Maben: All Ayes

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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CONTINUED HEARING

RESOURCE MANAGEMENT AGENCY

Planning Department

- 4) **Request from Timothy L. Beard (original applicant - Jack Taylor by Bruce Keith) to appeal the decision of the Planning Commission to allow a church in a residential district on 1.07 acres located at 10001 Meacham Road, Rosedale (SD #3)**

Specific Request:

An appeal of the decision of the Planning Commission to approve CUP 39, Map 102-19 (Resolution 156-04; approved September 9, 2004) to allow a church (Section 19.16.030.J) in an E (1) RS District (Appeal #3, Map #102-19) (General Rule, Section 15061(b)(3); Published Bakersfield Californian) (from 11/9/2004 & 11/30/2004) -

WITHDRAWN

GENERAL PLAN AMENDMENT HEARINGS

Amendment of the Land Use, Open Space and Conservation Element, Maximum Allowed Land Use Density Table of the Kern County General Plan; Metropolitan Bakersfield General Plan; Chevron Section One Specific Plan; Frazier Park/Lebec Specific Plan; Western Rosedale Specific Plan; Alteration of Agricultural Preserve 9, 10, and 12; and other items as cited which include amendments of certain zoning maps and applications and proceedings

RESOURCE MANAGEMENT AGENCY

Planning Department

- *5) **Request from Kern County Planning Department to change the permitted uses from open space to agriculture on 125 acres located one mile west of the intersection of State Highway 395 and Brown Road, northwest of Inyokern (SD #1)**

Specific Request:

(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 1.1 to Map Code(s) 8.5 (GPA #5, Map #22)

(b) A change in zone classification from OS to A (ZCC #18, Map #22)

(General Rule, Section 15061(b)(3); Published News Review)
- OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-428 AND 2004-429 AND ENACTED ORDINANCE G-7170 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED

Maben-Parra: All Ayes

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

Specific Request:

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

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

(Negative Declaration; Published Daily Independent) - OPENED HEARING; HEARD IN SUPPORT OF STAFF RECOMMENDATION: LARRY SAWYER AND RAYMOND KELSO; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: NEIL CHRISTMAN; JAMES BELL; CLARA IORILLO; FRED PERRY, REPRESENTING DAN AND SHARON WRIGHT; CAROL VAUGHN; MELISSA CHRISTMAN AND B. J. TUCKER; CLOSED HEARING; CONTINUED TO TUESDAY, JANUARY 25, 2005, AT 2:00 P.M.; REFERRED TO PLANNING DEPARTMENT TO DEVELOP NOTIFICATION PROCEDURES CONCERNING AIRCRAFT NOISE IN THE MILITARY SPECIAL USE AIRSPACE, FOR REPORT BACK TO THE BOARD; REFERRED TO PLANNING DEPARTMENT FOR REPORT BACK TO THE BOARD ON AN INDIAN WELLS VALLEY SPECIFIC PLAN; RECEIVED AND FILED DOCUMENTS

Maben-Parra: All Ayes

- *7) **Request from Denela, LLC, by DeWalt Corporation to change the permitted uses from commercial to residential on 4.28 acres located on the east side of Airport Drive, between Seventh Standard Road and West Day Avenue, north Bakersfield (SD #1)**

Specific Request:

(a) Amend the Chevron Section One Specific Plan from Map Code(s) 6.1 to Map Code(s) 5.2 or a more restrictive map code designation (GPA #8, Map #102-1)

(b) A change in zone classification from C-2 PD H to R-2 PD H (ZCC #32, Map #102-1)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-428 AND 2004-430 AND ENACTED ORDINANCE G-7171 APPROVING GENERAL PLAN AMENDMENT AS REQUESTED AND APPROVING THE ZONE CHANGE AS RECOMMENDED

Maben-Parra: All Ayes

- *8) **Request from Ron Vallicella by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from agriculture to residential on 24.31 acres located at 25941 Clear Creek Road, Keene (SD #2)**

Specific Request:

Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.3 to Map Code(s) 5.6 or a more restrictive map code designation (GPA #5, Map #146)

(Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, FEBRUARY 1, 2005, AT 2:00 P.M.

Maben-Parra: All Ayes

- 9) **Request from Kern Ridge Growers, LLC, by McIntosh and Associates to change the permitted uses from agriculture to industrial on 23 acres and to exclude said acreage from an Agricultural Preserve located at 526 Mettler Frontage Road East, Mettler area (SD #2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.1 to Map Code(s) 7.2 or a more restrictive map code designation (GPA #1, Map #186)
- (b) A change in zone classification from A to M-2 PD or a more restrictive district (ZCC #8, Map #186)
- (c) Exclusion of approximately 23.49 acres from the boundaries of an Agricultural Preserve (Ag Pres #12 - Excl)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: ROGER MCINTOSH, MCINTOSH AND ASSOCIATES; DONALD VALPREDO; RICK HUNT, MANAGER, BRITZ FERTILIZER, INC.; CLOSED HEARING; ADOPTED NEGATIVE DECLARATION AND RELATED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-431, 2004-432 AND 2004-433 AND ENACTED ORDINANCE G-7172 APPROVING GENERAL PLAN AMENDMENT, ZONE CHANGE, AND AGRICULTURAL PRESERVE EXCLUSION

Maben-Parra: 3 Ayes; 2 Noes - McQuiston, Patrick

- *10) **Request from Sal Avila by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from estate residential to neighborhood commercial on a 24,000-square-foot parcel located at 2700 La Cresenta Drive, Bakersfield (SD #3)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) SR to Map Code(s) GC or a more restrictive map code designation
- (b) A change in zone classification from E (1/2) RS to C-1 PD or a more restrictive district (GPA #12, Map #102-19; ZCC #77, Map #102-19)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-428 AND 2004-434 AND ENACTED ORDINANCE G-7173 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE

Maben-Parra: All Ayes

- *11) **Request from Blackhawk Land Company, Inc., by Delmarter and Deifel to change the permitted uses from agriculture to single-family residential on 157.18 acres and to cancel 20 acres of a Land Use Contract located at the northwest corner of Hageman Road and Renfro Road, western Rosedale (SD #4)** Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) R-IA to Map Code(s) LMR or a more restrictive map code designation (SPA #50, Map #101)
- (b) A change in zone classification from A to E (5) RS PE on five acres, to E (1) RS on 10.94 acres, and to R-1 on 141.24 acres or more restrictive districts (ZCC #134, Map #101)

(Continued on Page 9)

(Continued from Page 8)

(c) Exclusion of approximately 157.18 acres from the boundaries of an Agricultural Preserve (Ag Pres #9 - Excl)

(d) Cancellation of a 20.02-acre parcel of a Land Use Contract (Cancellation #04-5)

(Environmental Impact Report; Published Bakersfield Californian) - CONTINUED TO TUESDAY, FEBRUARY 1, 2005, AT 2:00 P.M.

Maben-Parra: All Ayes

- *12) **Request from S.V. Investments by Frank A. Slinkard to change the permitted uses from agriculture to single-family residential on 40 acres and to exclude 40 acres from an Agricultural Preserve located at the northwest corner of Renfro Road and Noriega Road, western Rosedale (SD #4)**

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) R-IA to Map Code(s) LMR or a more restrictive map code designation (SPA #53, Map #101)

(b) A change in zone classification from A to R-1 or a more restrictive district (ZCC #139, Map #101)

(c) Exclusion of approximately 40 acres from the boundaries of an Agricultural Preserve (Ag Pres #9 - Excl)

(Environmental Impact Report; Published Bakersfield Californian) - CONTINUED TO TUESDAY, FEBRUARY 1, 2005, AT 2:00 P.M.

Maben-Parra: All Ayes

- 13) **Request from West Star Construction by ProjectDesign Consultants to change the permitted uses from estate residential to medium-density residential on 14 acres located at the northwest corner of Jewetta Avenue and Rosedale Highway, northeast of the Burlington Northern Santa Fe Railroad, Bakersfield (SD #4)**

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) SR to Map Code(s) HMR or a more restrictive map code designation on an approximately seven-acre portion of the proposed site (GPA #8, Map #101-24)

(b) A change in zone classification from E (1/4) CL to R-2 or a more restrictive district on the approximate 14-acre site; the applicant anticipates the development of 150 multifamily residential units, including a mix of duplex, triplex, and fourplex units (ZCC #35, Map #101-24)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: DAVE KRINKLAW, OWNER, WEST STAR CONSTRUCTION; GARY GUILLET, PROJECT MANAGER, WEST STAR CONSTRUCTION; HEARD IN SUPPORT OF STAFF RECOMMENDATION: MELISSA SLOAN; RALPH ROBLES; SUE DAVIS; BRIAN SLOAN; SIMONE PAYNE; JOE KENNEDY; DARLENE MOHLKE; NORMAN MONROE; LAURIE BERGER; AND AL RUTIZ; REFERRED BACK TO STAFF; RECEIVED AND FILED DOCUMENTS

Watson-Parra: 4 Ayes; 1 No - Patrick

- *14) Request from Cenval L.P. by Marino and Associates to change the permitted uses from agriculture to industrial and to exclude 35.78 acres from an Agricultural Preserve located at the southwest corner of Panama Lane and Progress Road, southwest Bakersfield (SD #4)

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) R-IA to Map Code(s) LI or a more restrictive map code designation (GPA #7, Map #123)
- (b) A change in zone classification from A to M-1 PD or a more restrictive district (ZCC #38, Map #123)
- (c) Exclusion of approximately 35.78 acres from the boundaries of an Agricultural Preserve (Ag Pres 10 - Excl)

(Negative Declaration; Published Bakersfield Californian) -
CONTINUED TO TUESDAY, JANUARY 4, 2005, AT 2:00 P.M.

Maben-Parra: All Ayes

- *15) Request from Braxton M. and Laura J. Durst by French and Associates to change the permitted uses from agriculture to five-acre residential on 11.76 acres on located at the northwesterly extension of North Drive, Lebec (SD #4)

Specific Request:

- (a) Amend the Frazier Park/Lebec Specific Plan from Map Code(s) 8.3/2.4 to Map Code(s) 5.7/2.4 or a more restrictive map code designation (GPA #5, Map #237-27)
- (b) A change in zone classification from E (20) RS to E (5) RS or a more restrictive district (ZCC #3, Map #237-27)

(General Rule, Section 15061(b)(3); Published Mountain Enterprise) -

WITHDRAWN

- *16) Request from National Farm Workers Service Center, Inc., by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from commercial and industrial to single-family residential on 7.22 acres located at the northwest corner of Washington Street and Potomac Avenue, east Bakersfield (SD #5)

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) SI to Map Code(s) LMR or a more restrictive map code designation (GPA #1, Map #103-33)
- (b) A change in zone classification from C-2 PD to R-1 or a more restrictive district (ZCC #12, Map #103-33)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - CONTINUED TO TUESDAY, DECEMBER 14, 2004, AT 2:00 P.M.

Maben-Parra: All Ayes

- *17) **Request from Kern County Planning Department to amend the text of the Western Rosedale Specific Plan to clarify certain policies of the Specific Plan regarding fiscal impacts of certain discretionary projects located in the western metropolitan Bakersfield area (SD's #1, #2, #3 & #4) Specific Request:**

An amendment to the text of the Western Rosedale Specific Plan to clarify certain policies of the Specific Plan regarding fiscal impacts of certain discretionary projects (SPA #129, Map #500)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-428 APPROVING SPECIFIC PLAN AMENDMENT AS REQUESTED

Maben-Parra: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #1

- *18) Proposed Agreement with the City of McFarland to provide Community Development Block Grant funds for design of McFarland Wastewater Treatment Plant Effluent Storage Pond Expansion and Back Up Generator Improvements, CD Nos. 16.04.2 & 16.04.3, in an amount not to exceed \$124,700 (Fiscal Impact: \$124,700; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1068-2004

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- *19) Request for approval to issue Request for Proposal for the McFarland Streetscape and Lighting Improvements (Fiscal Impact: \$38,570; CDBG; Budgeted) - APPROVED; AUTHORIZED ENGINEERING & SURVEY SERVICES TO SOLICIT PROPOSALS

Maben-Parra: All Ayes

S.D. #4

- *20) Request for release of Laborers and Materialmen Security Tract 5919, Unit B, Eloy Renfrow (Fiscal Impact: None) - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. 834067P, UNDERWRITTEN BY INDEMNITY COMPANY OF CALIFORNIA, IN THE AMOUNT OF \$142,283

Maben-Parra: All Ayes

- *21) Request for release of Laborers and Materialmen Security Tract 5919, Unit C, Eloy Renfrow (Fiscal Impact: None) - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. 834493S, UNDERWRITTEN BY INDEMNITY COMPANY OF CALIFORNIA, IN THE AMOUNT OF \$213,232

Maben-Parra: All Ayes

- *22) Request to approve final map for Tract No. 6085, Phase B, east side of Nord Road, 1250 feet north of Palm Avenue, western Rosedale, Type "A" Subdivision, Delmarter and Deifel for J & M California Land Company, Inc. - APPROVED; ADOPTED RESOLUTION 2004-435 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 OWNERS WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE, ACKNOWLEDGEMENT OF REVERSION OF TEMPORARY TURNAROUND EASEMENT AND RESTORATION OF INGRESS AND EGRESS ACROSS LOTS "C" AND "B" IN TRACT NO. 6085, UNIT A; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *23) Contract No. 05005, Plans, Specifications and Notice to Contractors for construction on Webb Avenue from Lake Isabella Boulevard to 1,500 feet east - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CEQA, PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING DATE TO BE WEDNESDAY, JANUARY 5, 2005, AT 11:00 A.M.

Maben-Parra: All Ayes

S.D.'s #3 & #5

- *24) Contract No. 03008, Plans, Specifications and Notice to Contractors for construction on Pioneer Drive between Oswell Street and Morning Drive - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CEQA, PER SECTION 15301; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING DATE TO BE WEDNESDAY, JANUARY 5, 2005, AT 11:00 A.M.

Maben-Parra: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *25) Quarterly Performance Measures Report (Fiscal Impact: None)
- RECEIVED AND FILED

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *26) Status report on County Administrative Office Grants Research Unit (Fiscal Impact: None) - RECEIVED AND FILED
Maben-Parra: All Ayes
- *27) Proposed establishment of DNA Identification Fund No. 180, effective December 7, 2004, pursuant to passage of Proposition 69, DNA Fingerprint, Unsolved Crime & Innocence Protection Act (Fiscal Impact: \$90,000 in Fiscal Year 2004-2005; Not Budgeted; Mandated) - APPROVED
Maben-Parra: All Ayes
- *28) Proposed response to Grand Jury Report entitled Kern Medical Center (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE
Maben-Parra: All Ayes
- *29) Proposed amended plan document for the Kern\$Flex Plan, effective September 1, 2004, reflecting revised contribution of 10% (Fiscal Impact: None) - APPROVED
Maben-Parra: All Ayes
- *30) Proposed Resolution enacting Government Code Section 31676.17, 3% at age 60 retirement benefit enhancement, pursuant to Memorandum of Understanding (MOU) with Central California Association of Public Employees (CCAPE) Bargaining Units 1 through 6 (Fiscal Impact: No additional fiscal impact beyond MOU already approved) - APPROVED; ADOPTED RESOLUTION 2004-436
Maben-Parra: All Ayes
- *31) Proposed transfer of funds to participate in California MediCal Disproportionate Share Hospital Program for Fiscal Year 2004-2005 (Fiscal Impact: \$7.3 million revenue; KMC Enterprise Fund; Budgeted) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE TO APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$17,028,937; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$17,028,937 TO BUDGET UNIT 4204; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE INTERGOVERNMENTAL TRANSFER TO STATE
Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

Hearing

S.D. #4

- *32) Proposed Resolution and Ordinance granting pipeline franchise to Western Acres Mutual Water Company, Inc. (Fiscal Impact: Revenue of \$1,200; Unbudgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 21080.21; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2004-437 AND ENACTED ORDINANCE F-480
Maben-Parra: All Ayes

S.D. #1

- *33) Change Order No. 14 for the new Juvenile Treatment Facility, an increase of \$90,000 for a new total of \$17,402,250.06 (1960.8166) (Fiscal Impact: \$90,000; General Fund; Budgeted) (from 11/30/2004) - CONTINUED TO TUESDAY, DECEMBER 14, 2004, AT 2:00 P.M.

Maben-Parra: All Ayes

S.D. #3

- *34) Change Order No. 3 for reroof of the Sheriff's Norris Road Facility, Buildings A & B, a decrease of \$31,200 for a new total of \$534,000 (1650.7118 & 1650.7132) (Fiscal Impact: None; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

S.D. #4

- *35) Proposed Agreement with James and Emilie Wainright for lease of Sheriff's Substation at 617 Monterey Trail, Frazier Park, from January 1, 2005 through December 31, 2009 (Fiscal Impact: \$3,350 per month rent; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1069-2004

Maben-Parra: All Ayes

- *36) Proposed License Agreement with State of California for the Department of Water Resources' use of a portion of County's communications facilities on McKittrick Summit, from December 7, 2004 through April 30, 2009 (Fiscal Impact: \$6,200 per year to the County; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1070-2004

Maben-Parra: All Ayes

- *37) Identify apparent low bid from Griffith Company for paving at Lake Webb West and Lake Evans East, and proposed Agreement in an amount not to exceed \$175,927.60 (1960.8163) (Fiscal Impact: \$175,927.60; General Fund; Budgeted) - IDENTIFIED APPARENT LOW BID; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1071-2004

Maben-Parra: All Ayes

All S.D.'s

- *38) Request to accept \$3,000 donation from Dr. Vinrod Kumar, d.b.a. The Heart Center, for sponsorship of a 30-minute KGOV program focusing on prevention and treatment of heart disease (Fiscal Impact: \$3,000 Donation; Not Budgeted) - ACCEPTED DONATION; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$3,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$3,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO COMMUNICATIONS BUDGET UNIT 1510; DIRECTED KGOV AND PUBLIC HEALTH OFFICER TO PRODUCE PROGRAM; AUTHORIZED CHAIRMAN TO SIGN ACKNOWLEDGEMENT LETTER TO DR. VINROD KUMAR

Maben-Parra: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON NOVEMBER 30, 2004

- *39) Proposed Ordinance adding Subsections (8) and (9) to Section 10.16.050 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no stopping zones along both sides of Water Canyon Road and County Park Road, Tehachapi area - ENACTED ORDINANCE G-7174

Maben-Parra: All Ayes

- *40) Proposed Ordinance adding Subsection (177) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone along the east side of Manor Street, Bakersfield - ENACTED ORDINANCE G-7175

Maben-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *41) Budget Transfers - APPROVED NO. 54 THROUGH NO. 59

Maben-Parra: All Ayes

- *42) Minutes for week of October 25, 2004 - APPROVED WITH CORRECTION TO ITEM NO. 16 A.M. TO CHANGE CONTRACT NO. 5001 TO **05001** AND TO ITEM NO. 17 A.M. TO CHANGE CONTRACT NO. 5003 TO CONTRACT NO. **05003**

Maben-Parra: All Ayes

- *43) Miscellaneous Letters and Documents - APPROVED

Maben-Parra: All Ayes

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

Maben-Parra: All Ayes

ADJOURNED TO WEDNESDAY, DECEMBER 8, 2004, AT 9:30 A.M.

Patrick

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Denise Pennell
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.

43) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Statement of Money in the County Treasury as of October 4, 2004
- B) Spousal Abuse Grant Program Audit Report for June 30, 2004
- C) Report on costs and revenue allocated to Kern County Mental Health and Substance Abuse Programs for Fiscal Years 2001-2002 and 2002-2003
- D) Annual report on the results of the Alternative Secured Property Tax Distribution Plan for fiscal year 2003-2004
- E) Statement of grant revenues and expenditures incurred for the Kern County Mentally Ill Offender Crime Reduction Grant program for period from July 1, 1999 to March 31, 2004
- F) Audit Report of the Department of Airports Fiscal Year 2003-2004
- G) County of Kern Tax Rates & Assessed Valuations for 2004-2005

Clerk of the Board

- H) Received, certified and forwarded to Recorder for recordation as follows:
 - 1) Tract Map 6042, Unit 3 S.D. #3
 - 2) Tract Map 6192, Unit 2 S.D. #5
 - 3) Tract Map 6227 S.D. #2

Engineering & Survey Services

- I) Response to referral to Jeanette M. Kelley, City of Tehachapi, re request for City of Tehachapi building permits (Copies to each Supervisor and CAO)

Environmental Health Services

- J) Seven (7) thank you letters for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter

Grand Jury

- K) 2004-2005 Final Report re Gang Intervention and Suppression Team (Copies to each Supervisor, CAO and Probation)

Local Agency Formation Commission

- L) Letter from Don Maben, Chairman of Kern LAFCO, re amendment of General Plan for the Bakersfield Metropolitan Area as a result of amended Sphere of Influence of the City of Bakersfield and the City of Shafter (Copies to each Supervisor, CAO, Planning and County Counsel)

Roads

- M) Received, prepared Consent to Recordation and forwarded to Recorder for recordation two (2) Irrevocable Offers of Dedication to dedicate real property and a slope easement from U.S. Borax, Inc., required by General Plan Amendment (GPA) No. 3, Map No. 192 and GPA No. 1, Map No. 192-36

Miscellaneous

- N) Letter from Denise Peach, State Department of Aging, re amended Plan of Correction in response to Statement of Deficiencies issued to Elderlife Adult Day Health Care Center (Copies to each Supervisor, CAO and Kern Medical Center)
- O) Letter from Karen Sharp, State Department of Aging, re renewal of the certification of Kern Medical Center as an Adult Day Health Care (ADHC) Medi-Cal provider (Copies to each Supervisor, CAO, Kern Medical Center and County Counsel)
- P) Letter from Steve Bridges re lawsuit filed against Kern County concerning animals' minimum stay in shelters (Copies to each Supervisor and CAO)
- Q) Letters from Michael A. Perez and Linda Perez in opposition to proposed zone change and land use changes at the northeast corner of Rosedale Highway and Jenkins Road (Copies to each Supervisor, CAO, Planning and County Counsel)
- R) Letter from Susan L. King, State Department of Alcohol and Drug Programs, re Drug Medi-Cal (DMC) contract with Phase I Phase II Sober Living, Inc., dba Phase I Phase II Recovery Services, Inc., for Outpatient Drug Free (ODF) services (Copies to each Supervisor, CAO and Mental Health)
- S) Letter from Doyle Green, California Highway Patrol, re Hazardous Materials Incident Report on Friday, November 12, 2004, on State Route 58, west of Lokern Road (Copies to each Supervisor, CAO, Environmental Health Services and Fire Haz-Mat)
- T) Letter from Dennis J. O'Bryant, State Department of Conservation, re public agency acquisition of land enrolled in Williamson Act Contract as a landfill buffer (Copies to each Supervisor, CAO, Assessor and Waste Management)
- U) Letter from Linas A. Paulus, State Department of Water Resources (DWR), re DWR's pending fee acquisition of a 340.60-acre parcel, part of which is under a Williamson Land Act contract, for construction of an Afterbay, part of the Tehachapi Second Afterbay Northeast Alternative Project, California Aqueduct, West Branch, Mojave Division (Copies to each Supervisor, CAO, Planning, Assessor and County Counsel)
- V) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Tuesday, November 9, 2004, on China Grade Loop, 170 feet west of Watson Street (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)

- W) Notices from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Kelley's Pub, 20-22 Tobias Street, Kernville; Rosamond Chevron, 2072 Rosamond Boulevard, Rosamond; Food Fair, 3901 Niles Street, Bakersfield; and Fast Stop Food & Gas, 601 California City Boulevard, California City (Copies to each Supervisor, CAO and Planning)
- X) Agenda of meeting from Kern County Child Care Council on Wednesday, December 1, 2004
- Y) Minutes of meeting from Kern County Child Care Council on Wednesday, November 3, 2004
- 44) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Cheneva Hosey vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Donna Flud vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Jeannine Chambers vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Supplemental claim in the matter of Richard Arvisu vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Late claim in the matter of Charles James Moffett vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Summons and complaint in the matter of David Palmer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Response to County Counsel in the matter of Sammye Richardson and Michael Richardson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Updated Return of Service in the matter of Sammye Richardson and Michael Richardson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Notice of Assignment and Case Management Conference date in the matter of California Minerals LP vs. Kern County - REFERRED TO COUNTY COUNSEL (Copies to Risk Management and Auditor-Controller-County Clerk)
 - J) Notice of case closure in the matter of Michael Berg vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)

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SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Wednesday, December 8, 2004

9:30 A.M.

BOARD RECONVENED

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

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.

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**

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

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

(Continued to Page 2)

(Continued from Page 1)

Director of Public Health Services; Director of Resource Management Agency; Director of Waste Management; Veterans Service Officer -

- 3) Results of Closed Session regarding public employees performance evaluations - Titles: Agricultural Commissioner/Sealer; Director of Airports; Director of Child Support Services; Clerk of the Board of Supervisors; County Administrative Officer; County Counsel; Director of Aging and Adult Services; Director of Emergency Medical Services; Director of Employers' Training Resource; Fire Chief; Director of Human Services; Chief Executive Officer of Kern Medical Center; Library Director; Director of Mental Health Services; Director of Parks and Recreation; Public Defender; Direction of Public Health Services; Director of Resource Management Agency; Director of Waste Management; Veterans Service Officer - CONTINUED COUNTY ADMINISTRATIVE OFFICER, COUNTY COUNSEL, DIRECTOR OF AGING AND ADULT SERVICES, CHIEF EXECUTIVE OFFICER OF KERN MEDICAL CENTER, AND DIRECTOR OF MENTAL HEALTH SERVICES TO TUESDAY, DECEMBER 14, 2004 AT 9:00 A.M.

Parra-Maben: All Ayes

(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 9:00 a.m. session of the Board of Supervisors the following Tuesday.)

RECONVENED FROM CLOSED SESSION; ADJOURNED TO MONDAY, DECEMBER 13, 2004 AT 2:00 P.M.

Parra-Maben

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors