

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, February 4, 2003

9:00 A.M.

#### BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra  
ROLL CALL: 3 Present; 2 Absent - McQuiston and Watson

SALUTE TO FLAG - Led by Supervisor Maben

NOTE: The Chairman announced the absence of Supervisors McQuiston and Watson.

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

#### APPOINTMENTS

- \*1) Reappointment of Arlo Sturgeon as Second District Member to the Human Relations Commission, term to expire March 5, 2005 - MADE REAPPOINTMENT  
**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**
- \*2) Appointments of David M. Shaw and Edgar M. Shuster to the Tehachapi Valley Recreation and Park District, terms to expire February 3, 2007 - MADE APPOINTMENTS  
**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**
- \*3) Reappointment of Dennis B. Johnston to the Citrus Pest Control District, term to expire January 26, 2007 - MADE REAPPOINTMENT  
**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**
- \*4) Reappointments to the Housing Authority of the County of Kern of Brenda Callahan and Lassie E. Samuel as Tenant Commissioner Members, terms to expire February 10, 2005 - MADE REAPPOINTMENTS  
**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*5) Appointment of Laurie L. Flohr to the Sequoia Area VIII Board Developmental Disabilities Program, term to expire June 30, 2005 - MADE APPOINTMENT

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*6) Appointments of Stephen J. Fanucchi (replacing Gordon Drescher), term to expire November 2004, and Craig Fulwyler, term to expire November 2006, to the Pond-Shafter-Wasco Resource Conservation District - MADE APPOINTMENTS

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*7) Reappointment of Elizabeth Svitenko as Second District Member, term to expire December 31, 2005, and appointment of Gregory Goldstein as Second District Member, term to expire December 31, 2004, to the Behavioral Health Board - MADE REAPPOINTMENT AND APPOINTMENT

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*8) Reappointment of Bob Bakman as Second District Member to the Wildlife Resources Commission, term to expire December 31, 2006 - MADE REAPPOINTMENT

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*9) Reappointments of Michael Martinez, Louise Mantoth, Margie Gilliland, Coy Blair and Tommy Allred to the Tehachapi Public Cemetery District, terms to expire December 15, 2005 - MADE REAPPOINTMENTS

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

PUBLIC PRESENTATIONS

- 10) 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

- 11) 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

AGING AND ADULT SERVICES

- \*12) Proposed Amendment No. 3 to Agreement 390-2001 with California Department of Aging (FY 2001-2002 State Agreement FF-0102-33) to adjust program funding allocations - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 062-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

EMPLOYERS' TRAINING RESOURCE

- \*13) Proposed Amendment No. 1 to Agreement 095-2002 with the State of California Employment Development Department to extend the term for the California Cooperative Occupational Information System program through February 28, 2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 063-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

FIRE DEPARTMENT

- 14) Report on 2002 KERN COUNTY CARES Golden Empire Gleaners food drive - DENNIS THOMPSON, CHIEF DEPUTY, KERN COUNTY FIRE DEPARTMENT, AND PHIL ZANDER, GOLDEN EMPIRE GLEANERS, HEARD; MADE PRESENTATION TO RICK HARWELL AND TERI BURCHFIELD, INFORMATION TECHNOLOGY SERVICES; RICK HARWELL AND BILL BARNHART, INFORMATION TECHNOLOGY SERVICES, HEARD; RECEIVED AND FILED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*15) Unusual travel request for Battalion Chief Mike Miller to attend National Fire Academy in Emmitsburg, Maryland, from February 22, 2003 to March 7, 2003, in an amount not to exceed \$232 - APPROVED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

HUMAN SERVICES

- \*16) Request to employ retired County employee Mitchell Scott, Social Service Supervisor I, Range 54.6, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment - APPROVED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*17) Request to employ retired County employee Sondra James, Social Service Worker III, Range 53.3, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment - APPROVED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*18) Proposed Amendment No. 1 to Agreement 893-2002 with the Kern County Superintendent of Schools Office, as the administrative agent for the Kern County Child and Family Services Agency, for the Promoting of Safe and Stable Families Program, in an amount not to exceed \$915,513 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 064-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*19) Request for approval of expenditure of funds for employee development and recognition activities, scheduled through June 2003, in an amount not to exceed \$3,300 - APPROVED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

KERN MEDICAL CENTER

- \*20) Request to employ retired County employee Nena Mahoney as Per Diem Nurse II, for 120 days or 960 hours, whichever is greater, in the 12-month period following date of employment - APPROVED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*21) Proposed Amendment No. 2 to Agreement 170-2001 with Annette M. Frostad for technical support to the McKesson STAR Financial System, extending the term for an additional 12 months through April 1, 2004, and increasing the contract by \$79,040 for a contractual amount not to exceed \$237,120 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 065-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*22) Proposed Agreement with Albert McBride, M.D., for medical services in the Department of Surgery, from February 8, 2003 through February 7, 2008, in an amount not to exceed \$1,264,625 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 066-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*23) Proposed retroactive Agreement with Superior Consultant Company for services in patient accounting and admitting departments, from January 6, 2003 through December 31, 2005, in an amount not to exceed 26.37% of monthly cash collections in excess of \$5,700,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 067-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

MENTAL HEALTH SERVICES

- \*24) Proposed Amendment No. 2 to Agreement 333-2002 with Cruco Foods, dba Cope's Food Fair, for food voucher services to homeless mentally ill clients, to allow clients to purchase hygiene products in order to provide a higher level of care (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 068-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*25) Proposed Amendment No. 1 to Agreement 703-2002 (State Agreement No. 23782) with the California Department of Rehabilitation (ISSP) for employment and retention services to County mentally ill clients, from July 1, 2002 to September 30, 2003, to update description of services contained in Exhibit "A" and increase total amount from \$181,117 to \$238,860 (an increase of \$57,743) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 069-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

PROBATION

- \*26) Request authorization to submit grant application to Office of Criminal Justice Planning (OCJP) for Residential Substance Abuse Treatment Program funding - APPROVED

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

PUBLIC HEALTH SERVICES

- 27) Proposed retroactive Agreement with Arnold Chun, M.D., for medical services, from February 1, 2003, through June 30, 2003, and Resolution assuming liability for medical malpractice (prior notification June 25, 2002) - MICHAEL ROUW AND ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION, HEARD; APPROVED; ADOPTED RESOLUTION 2003-051; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 070-2003

**Patrick-Maben: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*28) Proposed Amendment No. 1 to Agreement 099-2002 with the County of Butte concerning Medi-Cal Administrative Activities and Targeted Case Management, for FY 2002-2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 071-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

SHERIFF

- \*29) Request for approval of confirming purchase order with American Filing Systems, in an amount not to exceed \$3,490.19 - AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PROCESS

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

- \*30) Proposed Amendment No. 4 to Agreement 334-99 with Canteen Correctional Services to extend term, set limits on future meal price increases, and provide sandwich-wrapping machine (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 072-2003

**Maben-Patrick: 3 Ayes; 2 Absent - McQuiston and Watson**

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 32: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED BECAUSE THE MATTER CAME TO THE ATTENTION OF COUNTY OFFICIALS ONLY AFTER THE POSTING OF THE AGENDA ON THURSDAY, JANUARY 30, 2003 AT 2:00 P.M. AND THE COUNTY HAS ONLY TEN DAYS IN WHICH TO FILE A PETITION TO THE CALIFORNIA SUPREME COURT FOR REVIEW OF THE RULING OF THE FIFTH DISTRICT COURT OF APPEALS ON FRIDAY, JANUARY 31, 2003. IN ORDER TO MEET THIS DEADLINE, AN IMMEDIATE BOARD DECISION IS NECESSARY

**Patrick-Maben: 3 Ayes; 2 Absent - McQuiston and Watson**

ADJOURNED TO CLOSED SESSION

**Patrick**

CLOSED SESSIONS

COUNTY COUNSEL

- 31) Request for Closed Session regarding a lawsuit entitled Corris Jones-Macon v. County of Kern, Kern County Superior Court Case No. 247537 (Government Code Section 54956.9(a)) -
- 32) Request for Closed Session regarding a lawsuit entitled Bakersfield Californian v. County of Kern, Kern County Superior Court Case No. 247268 NFT (Government Code Section 54956.9(a)) -

RECONVENED FROM CLOSED SESSION

**Maben-Patrick**

Supervisors: McQuiston, Maben, Patrick, Watson, Parra  
ROLL CALL: 3 Present; 2 Absent - McQuiston and Watson

- 33) Results of Closed Session regarding a lawsuit entitled Bakersfield Californian v. County of Kern, Kern County Superior Court Case No. 247268 NFT (Government Code Section 54956.9(a)) (See Item No. 32) - CHAIRMAN PARRA ANNOUNCED THE BOARD GAVE DIRECTION TO COUNTY COUNSEL TO APPEAL THE BAKERSFIELD CALIFORNIAN V. COUNTY OF KERN DECISION TO THE CALIFORNIA STATE SUPREME COURT

RECESSED TO 2:00 P.M.

**Patrick**

/s/ Denise Pennell  
Clerk of the Board

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

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### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, February 4, 2003

2:00 P.M.

BOARD RECONVENED

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

Note: Chairman Parra announced the Board gave direction to County Counsel to appeal The Bakersfield Californian v. County of Kern decision to the California State Supreme Court.

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]) - **SUPERVISOR MCQUISTON REPORTED HE ATTENDED THE INDIAN WELLS VALLEY ECONOMIC OUTLOOK SUMMIT THIS MORNING**

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- \*3) Proposed Amendment No. 1 to Agreement 453-2002 with State Department of Aging Title III/VII Programs (Contract FF-0203-33) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 073-2003; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$112,134 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$112,134 FROM APPROPRIATIONS FOR CONTINGENCIES TO AGING AND ADULT SERVICES BUDGET UNIT 5610; AUTHORIZED AUDITOR-CONTROLLER TO AMEND SERVICE PROVIDER CONTRACTS AS FOLLOWS: CITY OF DELANO NUTRITION BY \$5,317 FOR A TOTAL OF \$173,225; ADVENTIST HEALTH (BAKERSFIELD) NUTRITION BY \$8,345 FOR A TOTAL OF \$370,083; SHAFTER RECREATION AND PARKS DISTRICT NUTRITION BY \$9,390 FOR A TOTAL OF \$101,025; RICHARD PRADO SENIOR CENTER NUTRITION BY \$5,453 FOR A TOTAL \$261,882; NORTH BAKERSFIELD RECREATION AND PARK DISTRICT BY \$7,269 FOR A TOTAL OF \$296,836; ADVENTIST HEALTH (TAFT) NUTRITION FOR \$6,206 FOR A TOTAL OF \$188,792; HOMEMAKER SERVICE OF INDIAN WELLS VALLEY INFORMATION AND ASSISTANCE PROGRAM BY \$535 FOR A TOTAL OF \$21,814; HOMEMAKER SERVICE OF INDIAN WELLS VALLEY CASE MANAGEMENT PROGRAM BY \$141 FOR A TOTAL OF \$5,737; HOMEMAKER SERVICE OF INDIAN WELLS VALLEY HOMEMAKER SERVICES PROGRAM BY \$942 FOR A TOTAL OF \$38,403; HOMEMAKER SERVICE OF INDIAN WELLS VALLEY ADULT DAY CARE PROGRAM BY \$443 FOR A TOTAL OF \$18,055; GREATER BAKERSFIELD LEGAL ASSISTANCE FOR LEGAL SERVICES BY \$2,508 FOR A TOTAL OF \$102,206; GREATER BAKERSFIELD LEGAL ASSISTANCE FOR OMBUDSMAN PROGRAM BY \$5,065 FOR A TOTAL OF \$131,978; KERN AROUND THE CLOCK FOUNDATION HOMEMAKER SERVICES BY \$1,035 FOR A TOTAL OF \$42,185; ALZHEIMER'S DISEASE ASSOCIATION OF KERN COUNTY FOR ADULT DAY CARE BY \$2,154 FOR A TOTAL OF \$87,776; NORTH BAKERSFIELD RECREATION AND PARK DISTRICT FOR HOMEMAKER SERVICES BY \$2,021 FOR A TOTAL OF \$82,365

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

PARKS AND RECREATION DEPARTMENT

- \*4) Request to appropriate unanticipated revenue from the California Department of Forestry through the Urban and Community Forestry through the Proposition 12 Watershed, Wildlife and Parks Improvement Bond Act of 2000 to purchase and install trees at Panorama Park - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$49,970 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$49,970 FROM APPROPRIATIONS FOR CONTINGENCIES TO CAPITAL PROJECT BUDGET UNIT 1960

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



PERSONNEL

- \*5) Proposed Amendment No. 3 to Memorandum of Understanding (Agreement 097-2002) with Kern County Superior Court, extending the term three (3) months to March 31, 2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 074-2003; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$21,840 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$21,840 TO BUDGET UNIT 1310

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

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 6) **Request from Kern County Planning Department regarding changes to various sections of the Kern County Zoning Ordinance text, Countywide (All Districts)**

Specific Request: Revisions to the Kern County Zoning Ordinance - 2002; A revision of the Kern County Zoning Ordinance text related to:

(General Rule, Section 15061(b)(3); Published Bakersfield Californian, Daily Midway Driller, The News Review, Kern Valley Sun, Rosamond Weekly News, Tehachapi News) (from 1/14/03)

- a) adoption of the Kern River Combining District and changes in the existing zoning of properties located within the adopted Kern River Plan Element area to add the Kern River Combining District to existing zoning district classifications: OPENED HEARING; PAULINE LARWOOD; BARRY TOWNSEND; JIM PARKER; JOHN WILSON; AND LARRY MOXLEY, FRIENDS OF THE KERN RIVER PLAN ELEMENT, HEARD; CLOSED HEARING; MR. TOWNSEND AND RENEE NELSON RESPONDED TO QUESTIONS POSED BY THE BOARD; REFERRED REVISIONS TO KERN RIVER ELEMENT AND RELATED CHANGES TO KERN RIVER COMBINING DISTRICT TO STAFF; CONTINUED AMENDED TEXT OF KERN RIVER COMBINING DISTRICT TO TUESDAY, FEBRUARY 18, 2003 AT 2:00 P.M.; DISAPPROVED REQUEST TO INITIATE REZONING OF RF-ZONED PROPERTIES

**McQuiston-Maben: 4 Ayes; 1 Absent - Watson**

Note: Items 6(b) and (c) were heard in reverse order

- b) adoption of a Wireless Communication Facilities (cell tower) Chapter: OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION/PLANNING DEPARTMENT RECOMMENDATION, ENACTED ORDINANCE G-6966 APPROVING THE RECOMMENDED CHANGES TO THE TEXT OF THE KERN COUNTY ZONING ORDINANCE

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

- c) changes to requirements for siting, operating, and processing permits for small wind energy systems: OPENED HEARING; HANK ZEVALLOS, SPECIAL TURBINE SERVICES, HEARD; CLOSED HEARING; CONTINUED TO TUESDAY, FEBRUARY 18, 2003 AT 2:00 P.M.

**McQuiston-Maben: 4 Ayes; 1 Absent - Watson**

Note: Items (d) through (h) were heard concurrently

- d) increasing public hearing notification requirements to 500 feet in urban areas and 1,000 feet in rural areas;
- e) changes permitting the keeping of up to two pygmy goats on residentially zoned properties;
- f) changes to off-street parking requirements for specific uses;
- g) changes to the Drilling Island (DI) Chapter to increase the range of conditionally permitted uses;
- h) minor changes to permitted or conditionally permitted use categories in various zone districts and other minor changes to existing land use regulations - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION/PLANNING DEPARTMENT RECOMMENDATION, ENACTED ORDINANCE G-6967 APPROVING THE SUGGESTED CHANGES TO THE TEXT OF THE KERN COUNTY ZONING ORDINANCE

**Maben-McQuiston: 4 Ayes; 1 Absent - Watson**

- 7) **Request from Complete Wireless Consulting (original applicant - Clearshot Communications by SiteCom, Inc.) to appeal the decision of the Planning Commission to require a cellular communication tower to be camouflaged in a manner compatible with the neighborhood, located at 2800 River Boulevard (SD 3)**

Specific Request: An appeal of the Planning Commission's decision to impose Condition (2)(a) to require the applicant to submit revised elevation drawings demonstrating a stealthed communication tower, where the tower is camouflaged to look like a pine tree (monopine), palm tree (monopalm), or other camouflaged structure compatible to the area as determined by the Planning Director for Conditional Use Permit 23, Map 103-17, which authorized a cellular communication facility (Section 19.30.030.E) in a C-1 District (Appeal #5, Map #103-17) (Categorically Exempt, Section 15303; Published Bakersfield Californian) (from 10/22/02; 11/26/02) -

**WITHDRAWN**

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 8) **Request from John Gray, representing the Bear Valley Springs Environmental Control Committee, to appeal the decision of the Hearing Officer to allow a 44-foot front-yard setback where 55 feet is required, for Ervine Brown and Cheryl Akerly, in an Estate District on property located on Fargo Way in Tehachapi (SD 2)**  
Specific Request: An appeal to the decision of the Hearing Officer to approve Zone Modification 11, Map 164 (Notice of Decision 88-02; approved December 12, 2002) to allow a 44-foot front-yard setback, where 55 feet is required (Section 19.16.070.A), in an E (2 1/2) RS District (Appeal #1, Map #164)  
(Categorically Exempt, Section 15303; Published Tehachapi News) - OPENED HEARING; NORMAN VAUGHN, CHAIRMAN, BEAR VALLEY SPRINGS BOARD OF DIRECTORS; ERVINE BROWN; AND FRANK FLANAGAN, CHAIRMAN, BEAR VALLEY SPRINGS ENVIRONMENTAL CONTROL COMMITTEE, HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2003-052 DISAPPROVING THE APPEAL AND UPHOLDING THE DECISION OF THE HEARING OFFICER

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

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #3

- \*9) Proposed Agreement with Vaughn Water Company to construct water service connections for the Calloway Drive Landscaping Project in the amount of \$14,517 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 075-2003

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

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

Hearing

S. D. #1

- \*10) Proposed Energy Services Agreement with Noresco for energy related improvements at Lerdo Detention Facility (from 1/21/2003) - CONTINUED TO TUESDAY, FEBRUARY 25, 2003, AT 2:00 P.M.

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

- \*11) Change Order No. 1 for the kitchen remodel at Shafter Veteran's Hall, an increase of \$2,100, for a new total of \$79,807 (1960.8144) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

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

S.D. #3

- \*12) Change Order No. 6 for the Metro Recreation Center improvements, an increase of \$7,748.61, for a new total of \$411,388.71 (1960.8179) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

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

- \*13) Identify apparent low bid from Elam Woods Construction Company, Inc., for the Transit Facility office building in an amount not to exceed \$290,000 (3000.7156) - IDENTIFIED LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND TO PREPARE CONTRACT DOCUMENTS

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

S.D. #4

- \*14) Proposed retroactive Lease Agreement with the City of Wasco for the Wasco Veterans/Senior Hall site from July 1, 2002 to June 30, 2022 (\$1.00 per year) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 076-2003

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

- \*15) Proposed Agreement with England Geosystem, Inc., for site characterization of the Frazier Park Fire Station, in an amount not to exceed \$89,285 (1650.7252D) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 077-2003

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

MATTERS FOR EXECUTIVE APPROVAL

- \*16) Budget Transfers - APPROVED #97 THROUGH #102

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

- \*17) Minutes for the week of January 6, 2003 - APPROVED

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

- \*18) Miscellaneous Letters and Documents - FILED

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

- \*19) Miscellaneous Departmental Referrals by Clerk of the Board  
- APPROVED AND FILED

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

- \*20) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

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

ADJOURNED TO TUESDAY, FEBRUARY 11, 2003, AT 9:00 A.M.

**Patrick**

/s/ Denise Pennell  
Clerk of the Board

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

18) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Information Report on 2002-2003 Property Tax Administration Costs, Revenue and Taxation Code 95.2

Clerk of the Board

- B) Letter of resignation from Carlos Ortiz II from the Kern County Civil Service Commission (Copies to each Supervisor and CAO)
- C) Letter of resignation from Gayle Batey from the North Bakersfield Recreation and Park District (Copies to each Supervisor and CAO)
- D) Received, certified and forwarded to Recorder for recordation as follows:

- |               |         |        |
|---------------|---------|--------|
| 1) Tract 6092 | Phase 3 | S.D. 5 |
| 2) Tract 6092 | Phase 4 | S.D. 5 |

County Administrative Office

- E) Letters to State Legislators re impact of vehicle license fee loss to Kern County services (Copies to each Supervisor)

Engineering and Survey Services

- F) Agreement with James M. Davis extending and amending Subdivision Improvement Agreement for Parcel Map 10104

Environmental Health Services

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

Miscellaneous

- H) Letter from Ronn Dominici, San Joaquin Valley Air Pollution Control District re support for Biomass-to-Energy Incentive Grant Program (Copies to each Supervisor, CAO, and RMA)
- I) Letter from Violet Varona-Lukens, Los Angeles County Board of Supervisors, re appointments to Antelope Valley Resource Conservation District Board of Directors (Copies to each Supervisor and CAO)
- J) Letter from Deborah Richardson re Case 1, Map 234-32, APN 254-401-26, CUP 1 (Copies to each Supervisor, CAO, and RMA)
- K) Letter from Barbara H. Bates concerning removal of an oak tree in the Rosedale area (Copies to each Supervisor, CAO, and RMA)
- L) Letter from Joseph M. Harrison IV, Brusniak Harrison & McCool, P.C., re Kmart Corporation/The Coolidge Group, LLC Property Accounts (Copies to each Supervisor, CAO, County Counsel, and Assessment Appeals Board)
- M) Letter from Joseph R. Schoenstein, Time Warner Cable, re acceptance of transfer of franchise for cable television service (Copy to General Services)

- N) Letter from Sylvia Pizzini, Department of Social Services, re revised Child Abuse Prevention, Intervention and Treatment (CAPIT) funding process (Copies to each Supervisor, CAO, and Human Services)
- O) Letter from Steve Westly, California State Controller, re United States Grazing Fees for Fiscal Year 2002 (Copies to each Supervisor, CAO, Auditor-Controller, Treasurer-Tax Collector, and Roads)
- P) Letter from Walter J. Packard, Ph.D., Kern Community College District, re Resolution No. R-1-03, concerning general obligation bond election (Copy to Elections)
- Q) Western Water publication for January/February 2003 (Copies to each Supervisor and CAO)
- R) Notice of public meeting and agenda from Central Valley Regional Water Quality Control Board (Copies to each Supervisor and CAO)
- S) Los Padres National Forest Schedule of Proposed Environmental Actions (Copies to each Supervisor and CAO)
- T) Notice of Preparation of a Draft Environmental Impact Report from Castaic Lake Water Agency re Castaic Lake Water Agency Supplemental Water Project transfer of 41,000 acre-feet of State Water Project Table A amount from Kern County Water Agency (Copies to each Supervisor, CAO, Planning, and RMA)
- U) Local Agency Formation Commission Agenda for January 28, 2003, and approval of Minutes of November 26, 2002 meeting (Copies to each Supervisor and CAO)
- V) Local Agency Formation Commission Proceeding No. 1349 report and recommendation in the matter of Tejon-Castac Water District Annexation No. 3 (Copies to each Supervisor and CAO)
- W) Notice of the Amended Application for Gas Rate Increase filed by Pacific Gas and Electric Company (PG&E) (Copies to each Supervisor, CAO, and General Services)
- X) Notice from State Water Resources Control Board of joint petition for temporary change involving the transfer of up to 80,710 acre-feet of water from seven Sacramento River water diverters to the Metropolitan Water District of Southern California with the option to serve the State water project and Central Valley project service areas (Copies to each Supervisor, CAO, RMA, and Engineering and Survey Services)
- Y) Notice of preparation of Environmental Impact Report for the Monterey Amendment to the State Water Project contracts (including Kern Water Bank Transfer) and other contract amendments and associated actions as part of proposed settlement agreement in Planning and Conservation League v. Department of Water Resources (Copies to each Supervisor, CAO, RMA, and Planning)

- Z) Reply from KJLA, LLC re complaint of Costa de Oro Television, Inc., against Mediacom Communications Corporation (CSR-6054-M) (Copy to General Services)
- 19) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Deborah Richardson re Resolution 2002-470, Case 1, Map 234-32, APN 254-401-26, CUP 1, denied November 26, 2002 - REFERRED TO ENGINEERING AND SURVEY SERVICES (Copies to each Supervisor, CAO, and RMA)
- B) Letter from Robert Lane expressing concerns re handling of building permit correction notice - REFERRED TO ENGINEERING AND SURVEY SERVICES (Copies to each Supervisor and CAO)
- 20) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of John Hutchison vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Wayne Reimer vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Jaime Mojarro vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Late Claim in the matter of Liberty Mutual Fire Insurance Company vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Joe T. Flores vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Petition for Writ of Mandate in the matter of City of Los Angeles, a municipal corporation; County Sanitation District No. 2 of Los Angeles County, a public agency; Orange County Sanitation District, a public agency; California Association of Sanitation Agencies, a California nonprofit public benefit corporation; Southern California Alliance of Publicly Owned Treatment Works, a California nonprofit public benefit corporation; and Responsible Biosolids Management, Inc., a California Corporation, vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Subrogation Claim in the matter of Nichater Gill by Farmers Insurance Group vs County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Subrogation Claim in the matter of Palemon Quevero Rodriguez by Topa Insurance Company vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)



- I) Subrogation Claim in the matter of Edward Jaievsky by Automobile Club of Southern California vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Civil Subpoena in the matter of Enrique Calderon and Maria Calderon vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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