

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, March 1, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring Queretaro, Mexico, Sister City of the City of Bakersfield - ADOPTED RESOLUTION; MADE PRESENTATION TO FRANK TRIPICCHIO AND MANUEL ARRIOLA; MAYOR HARVEY HALL, CITY OF BAKERSFIELD, FRANK TRIPICCHIO, PRESIDENT, BAKERSFIELD SISTER CITY PROJECT CORPORATION, AND MANUEL ARRIOLA, CHAIRMAN OF THE SISTER CITY SUBCOMMITTEE, HEARD

Patrick-Maben: All Ayes

- 2) Proclamation proclaiming March 2, 2005 as Read Across Bakersfield Day in Kern County - PROCLAIMED; MADE PRESENTATION TO RICH RICHARDSON, REPRESENTING THE BAKERSFIELD ELEMENTARY TEACHERS' ASSOCIATION AND CO-CHAIRPERSON, READ ACROSS BAKERSFIELD COMMITTEE; RICH RICHARDSON HEARD

Patrick-Maben: All Ayes

- 3) Proclamation proclaiming March 2005 as Social Work Appreciation Month - PROCLAIMED; MADE PRESENTATION TO BEVERLY BEASLEY JOHNSON, DIRECTOR, DEPARTMENT OF HUMAN SERVICES; BEVERLY BEASLEY JOHNSON AND KRISTEN ESQUIVEL, SOCIAL SERVICE WORKER, HEARD

Maben-Patrick: All Ayes

PUBLIC REQUESTS

- 4) Request from Stephen M. Pelz, Executive Director, Housing Authority of the County of Kern, to address the Board regarding annual report - STEPHEN PELZ AND MAX BACERRA, CHAIRMAN, HOUSING AUTHORITY BOARD OF DIRECTORS, HEARD

APPOINTMENTS

- *5) Appointment of John L. Parson and reappointment of Jim Neukirchner as At-large Members to the Grazing Advisory Board (Section 3), and appointment of Lonnie Twisselman and reappointment of Carl F. Twisselman as At-large Members to the Grazing Advisory Board (Section 15), terms to expire December 20, 2006 - MADE APPOINTMENTS AND REAPPOINTMENTS

Maben-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 6) 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

- 7) 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

COUNTY COUNSEL

- *8) Request of Sheriff's Department, Civil Unit, for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *9) Request of Waste Management Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *10) Request of Information Technology Services Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *11) Request of Environmental Health Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *12) Request of Probation Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *13) Request of Health Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *14) Proposed Ordinances to amend Subsection (105) of Section 10.16.041 of Chapter 10.16, Title 10, concerning a no stopping zone on "P" Street, and add Subsection (231) to Section 10.16.070 of Chapter 10.16, Title 10, concerning a 10 minute limit parking zone on "P" Street (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCES

Maben-Patrick: All Ayes

- *15) Proposed Ordinance adding Subsections (185) and (186) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no stopping zones on the west and east sides of San Diego Street at Alicante Elementary School (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Maben-Patrick: All Ayes

EMERGENCY MEDICAL SERVICES

- 16) Briefing on departmental operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

REFERRED TO EMERGENCY MEDICAL SERVICES FOR REPORT BACK TO THE BOARD ON THE PLAN OF ACTION AND PROJECTED MILESTONES OF THE EMERGENCY MEDICAL SERVICES REDESIGN

McQuiston-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *17) Notification of anticipated retroactive Agreement with La Cooperativa Campesina de California for a Migrant and Seasonal Temporary and Permanent Housing Assistance Program (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

FIRE DEPARTMENT

- *18) Request for sole source procurement of aviation night vision goggles, cockpit lighting modifications and pilot training from Aviation Specialties Unlimited, Inc., in an amount not to exceed \$180,800 (Fiscal Impact: \$180,800; Homeland Security Grant; Budgeted) - APPROVED; AUTHORIZED PURCHASING TO ISSUE PURCHASE ORDER; AUTHORIZED CHAIRMAN TO SIGN PERSONAL AND PROFESSIONAL SERVICES AGREEMENT 141-2005 FOR PILOT TRAINING

Maben-Patrick: All Ayes

- *19) Proposed Agreement with Governor's Office of Emergency Services to provide personal protective equipment training, from March 7, 2005 through March 18, 2005, in an amount not to exceed \$18,000 (Fiscal Impact: Not to exceed \$18,000; Homeland Security Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 142-2005

Maben-Patrick: All Ayes

HUMAN SERVICES

- *20) Request to apply for a Waiver from the Food Stamp Time Limit for Able-Bodied Adults Without Dependents (ABAWD) (Fiscal Impact: None) - APPROVED; AUTHORIZED DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO SUBMIT LETTER TO CALIFORNIA DEPARTMENT OF SOCIAL SERVICES REQUESTING A WAIVER

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- 21) Proposed Amendment No. 1 to Agreement 776-2004 with AMN Healthcare, Inc., an independent contractor, for temporary nurse staffing, increasing the contractual not to exceed amount by \$915,500, from \$3,260,000 to \$4,175,500 (Fiscal Impact: \$915,500; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 143-2005

Maben-McQuiston: All Ayes

- *22) Proposed McKesson Contract Supplement No. 1-7GV0L to Agreement No. 276-99, to purchase equipment and services needed to upgrade the existing LaserArc report archiving system, in an amount not to exceed \$37,776 (Fiscal Impact: \$37,776; KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 144-2005

Maben-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *23) Proposed Amendment No. 1 to Agreement 386-2004 with the State Department of Mental Health (State Agreement 04-74028-000) for provision of Managed Care Services, to incorporate revised language into the contract pursuant to the Welfare and Institutions Code, Title 42 of the Code of Federal Regulations and increase State funding to the County from the original amount of \$7,201,747, to an amount not to exceed \$8,022,281 (an increase of \$820,534) (Fiscal Impact: \$820,534 State funds to County; Mandated; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 145-2005

Maben-Patrick: All Ayes

- *24) Request to employ retired County employee, Janel Harvey, as an Administrative Coordinator, Range 54.2, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$21,869) - APPROVED

Maben-Patrick: All Ayes

- *25) Proposed Agreement with Gartner, Inc., to provide direction and guidance to the Department on Integrated Data Management (IDM) systems, including a practical understanding of data management concepts, and technologies, market trends, and definitions of the types of IDM-related solutions available, from March 1, 2005 through June 30, 2005, in an amount not to exceed \$8,500 (Fiscal Impact: \$8,500; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 146-2005

Maben-Patrick: All Ayes

PARKS AND RECREATION DEPARTMENT

- *26) Request to appropriate unanticipated revenue from the Kern County Children and Families Commission, Proposition 10, to develop ten (10) playgrounds (Fiscal Impact: \$1,000,000; State Grant; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$1,000,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$1,000,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO CAPITAL PROJECTS BUDGET UNIT 1960

Maben-Patrick: All Ayes

PERSONNEL

- *27) Classification of positions recommended by Civil Service Commission effective March 5, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

PROBATION

- *28) Request to implement canine drug detection program and grant special pay for canine handler (Fiscal Impact: \$12,270; Not Budgeted; Discretionary) - APPROVED; REFERRED MATTER OF SPECIAL PAY TO COUNTY ADMINISTRATIVE OFFICE

Maben-Patrick: All Ayes

SHERIFF

- *29) Request to accept donation of child identification equipment from Mojave Desert Bank (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Maben-Patrick: All Ayes

TREASURER-TAX COLLECTOR

- *30) Pooled Cash Portfolio Analysis for Month Ended January 2005 - RECEIVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY COUNSEL

- 31) Request for closed session regarding a lawsuit entitled County of Kern vs. Carl Sparks, et al., KCSC Case No. S-1500-CV254074 RJA, and the seven Commander-related pay-reimbursement cases (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.

Rubio-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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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]) - SUPERVISOR MABEN REPORTED THAT LOS ANGELES AND VENTURA COUNTIES ARE PURSUING ORDINANCES SIMILAR TO THE KERN COUNTY ORDINANCE ESTABLISHING WIND ENERGY AND CELL TOWER HEIGHTS

REFERRED TO COUNTY STAFF TO REPORT BACK WITH RESULTS OF RANDOM WASTE AND WASTEWATER SAMPLES FROM THE GREEN ACRES AREA TO DETERMINE LEVELS OF PBDE'S AND PHARMACEUTICALS

Maben-Patrick: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- 3) **Request from James and Ann Kirkpatrick to change the permitted uses from recreation-forestry to 2-1/2-acre residential on 6.5 acres located at 6300 Alfred Harrell Highway, Bakersfield (SD #1)**

Specific Request:

A change in zone classification from RF KRC FPS and FPP to E (2 1/2) RS KRC FPS and FPP or a more restrictive district (ZCC #7, Map #103-2)

(Categorically Exempt, Section 15303; Published Bakersfield Californian) - CONTINUED TO TUESDAY, MARCH 8, 2005, AT 2:00 P.M.

McQuiston-Maben: All Ayes

- *4) **Request from David E. and Janice Brown by Delmarter and Deifel to change the permitted uses from 10-acre residential to 2-1/2-acre residential on 10 acres located on the west side of Ashe Road, between Houghton Road (on the north) and Lindsay Road (on the south), Old River area, Bakersfield (SD #2)**

Specific Request:

A change in zone classification from E (10) RS to E (2-1/2) RS or a more restrictive district (ZCC #63, Map #142)

(Special Situation, Section 15182; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-068 AND ENACTED ORDINANCE G-7197 APPROVING ZONE CHANGE AS REQUESTED

Patrick-Maben: All Ayes

- *5) **Request from Hageman Properties, LLC, by Delmarter and Deifel to change the permitted uses from limited agriculture to medium industrial on 52 acres located on the west side of Highway 99, south of Olive Drive, Bakersfield (SD #3)**

Specific Request:

A change in zone classification from A-1 to M-2 PD or a more restrictive district (ZCC #28, Map #102-14)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2005-069 AND ENACTED ORDINANCE G-7198 APPROVING ZONE CHANGE AS REQUESTED

Patrick-Maben: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #1

- *6) **Notice of Nonrenewal Petition No. 05-6 by D. M. Camp, general partner of the D. M. and Izetta Camp Limited Partnership, for 566.52 acres within Agricultural Preserves No. 6 and No. 8 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD**

Patrick-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

S.D. #1

- *7) Public Hearing to amend the County of Kern's Fiscal Year 2004-2005 Annual Action Plan for Community Development Programs to exclude the acquisition of property from the project scope for Project No. 16.04.1, McFarland Test Water Well (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; AUTHORIZED DEPARTMENT TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENT TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Patrick-Maben: All Ayes

S.D. #5

- *8) Proposed Agreement with Corporation for Better Housing to obligate HOME Program Funds for partial financing of Cottonwood Court Apartments, Activity No. 34.04.2, in an amount not to exceed \$850,000 (Fiscal Impact: \$850,000; Home Investment Partnerships Program; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 147-2005; AUTHORIZED DIRECTOR TO EXECUTE REQUIRED DOCUMENTS TO IMPLEMENT PROJECT, INCLUDING DEED RESTRICTION AGREEMENT, SECURITY AGREEMENT, ESCROW INSTRUCTIONS, SUBORDINATION AGREEMENTS, ASSIGNMENT AND ASSUMPTION AGREEMENTS, AND OTHER DOCUMENTS AS REQUIRED, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Patrick-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Debt Advisory Committee

Hearing

S.D. #4

- 9) TEFRA Hearing and proposed approval to issue \$35 million in Solid Waste Facilities & Equipment - Revenue Bonds by the California Statewide Communities Development Authority for South Kern Industrial Center, LLC, Synagro (Fiscal Impact: None) - OPENED HEARING; HEARD IN SUPPORT OF STAFF'S RECOMMENDATION: ELIZABETH OSTOICH, SYNAGRO AND THE SOUTH KERN INDUSTRIAL CENTER, AND MIKE LA PIERRE, CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

LOIS WATSON, LEAGUE OF WOMEN VOTERS, HEARD

HEARD IN OPPOSITION TO STAFF'S RECOMMENDATION: ARTHUR UNGER, KERN KAWEAH CHAPTER, SIERRA CLUB; MARVIN DEAN, SOUTHEAST BAKERSFIELD HOUSING; CLIFF THOMPSON, MAYOR, CITY OF TAFT; DWAYNE MOORE, KERN COUNTY DEMOCRATIC PARTY; MIKE BIRCHMORE; BOB COLSTON; TOM MAYO; SAM RAMIREZ, CITY OF DELANO; BOB HAMPTON, WESTSIDE WASTE MANAGEMENT COMPANY, INC.; MARY ANNE HESTER; DAVE NOERR, CITY OF TAFT; LLOYD KINGHAM; JOHN GIBSON; AL WAGNER, REPRESENTING SENATOR DEAN FLOREZ; MARY HELEN BARRO; JOHN WATKINS, PUBLISHER, DAILY

(Continued on Page 11)

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MIDWAY DRILLER; MARY CARROLL; PAUL LINDER, TAFT CITY COUNCIL; CRAIG NOBLE, TAFT CITY COUNCIL; CYRILLE DUZEN; JOE ESNOZ, LOST HILLS; AND JOE MALCOMB; CLOSED HEARING

DISAPPROVED ISSUANCE

Patrick-Rubio: All Ayes

S.D. #4

- *10) Request for approval of completed street, drainage, water and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement for Tract 6085, Phase A, and proposed Resolution for acceptance of street improvements for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$1,048,898 TO \$90,962, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING MARCH 1, 2005; RECEIVED AMENDED AND RESTATED LETTER OF CREDIT NO. NZS510027, ISSUED BY WELLS FARGO BANK, IN THE AMOUNT OF \$90,962, AND FILED WITH PREVIOUS LETTER OF CREDIT NO. NZS510027; ADOPTED RESOLUTION 2005-070 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6085, PHASE A, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Patrick-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *11) Proposed no stopping zone on Kernville Road, Lake Isabella (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Maben: All Ayes

S.D. #3

- *12) Proposed no stopping zone on Landco Drive, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Maben: All Ayes

S.D. #5

- *13) Proposed no stopping zone on South Union Avenue, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Maben: All Ayes

- *14) Proposed no stopping zone and bus loading zone on South Union Avenue, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *15) Description of proposed expenditures of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2004-2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *16) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 467, Local Agency Formation Commission (LAFCO) Proceeding No. 1400 (Fiscal Impact: Fiscal Year (FY) 2006-2007, \$138 General Fund; FY 2006-2007, \$105 Fire Fund) - ADOPTED RESOLUTION 2005-071 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FY 2006-2007 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Patrick-Maben: All Ayes

- *17) Proposed Memorandum of Understanding with City of Wasco for exchange of tax revenues attendant to certain types of annexations for a term of twenty (20) years (Fiscal Impact: Unknown) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 149-2005

Patrick-Maben: All Ayes

Legislative Matters

- *18) Proposed Federal appropriations request for MRI machine for Kern Medical Center (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Patrick-Maben: All Ayes

- *19) Proposed Federal appropriations request for onboard mobile data terminals for the Sheriff's Department (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Patrick-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *20) Proposed Agreement with Kern County Superintendent of Schools for radio service and tower space at Breckenridge Mountain, Rocky Point, and Camp Owen to improve communications capabilities for both parties, effective March 1, 2005, until terminated by either party or by loss of County's lease at any of the three sites (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)3; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 150-2005

Patrick-Maben: All Ayes

S.D. #3

- *21) Proposed project establishment and appropriation of unanticipated revenue to upgrade fuel dispenser system at the Sheriff's Department headquarters (Fiscal Impact: \$98,000) - APPROVED ESTABLISHMENT OF THE FUEL DISPENSING SYSTEM UPGRADE PROJECT AND APPROVED THE APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$98,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$98,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO THE MAJOR MAINTENANCE BUDGET UNIT 1650

Patrick-Maben: All Ayes

S.D. #4

- *22) Proposed purchase of one-half acre of land adjacent to Wasco Airport from Marie Krause, in the amount of \$7,829, plus \$575 escrow fees and closing costs, for a total of \$8,404 (Fiscal Impact: \$8,404 Expense to Airport Enterprise Fund) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; MADE FINDINGS THAT IN ACCORDANCE WITH GOVERNMENT SECTION 51291 THAT LOCATION OF PROPERTY TO BE ACQUIRED IS NOT BASED PRIMARILY ON A CONSIDERATION OF THE LOWER COST OF ACQUIRING LAND IN AN AGRICULTURAL PRESERVE AND THAT THERE IS NO OTHER LAND WITHIN OR OUTSIDE THE PRESERVE ON WHICH IT IS REASONABLY FEASIBLE TO LOCATE THE PUBLIC IMPROVEMENT; ADOPTED RESOLUTION 2005-072; ACCEPTED GRANT DEED; AUTHORIZED CHAIRMAN TO SIGN SALE ESCROW INSTRUCTIONS; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT TO COMMONWEALTH LAND TITLE COMPANY IN THE AMOUNT OF \$8,404

Patrick-Maben: All Ayes

- *23) Proposed Lease Agreement with Marie Krause for lease of 0.54 acres adjacent to the northwest corner of Wasco Airport for farming purposes, for a term of ten (10) years (Lessee will maintain property in lieu of rent) (Fiscal Impact: None) - 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 151-2005

Patrick-Maben: All Ayes

All S.D.'s

- *24) Proposed Agreement with Equiserve, a division of IDSC Holdings, Inc., a Snap-On company, for one (1) year full coverage service for the California emission inspection system operated by General Services Garage, in an amount not to exceed \$4,920 (Fiscal Impact: \$4,920; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 152-2005

Patrick-Maben: All Ayes

- *25) Proposed Amendment No. 1 to Agreement (052043) with BSK & Associates for testing and inspection services for various projects, an increase of \$10,000, for a new total of \$30,000 (Various Projects) (Fiscal Impact: \$10,000; General Fund; Budgeted) - APPROVED; AUTHORIZED PURCHASING AGENT TO SIGN

Patrick-Maben: All Ayes

CONSIDERATION OF ORDINANCE INTRODUCED ON FEBRUARY 22, 2005

- *26) Proposed Ordinance adding Subsection (182) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a no stopping zone on Horace Mann Avenue, Bakersfield - ENACTED ORDINANCE G-7199

Patrick-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *27) Budget Transfers - APPROVED NO. 111 AND NO. 112

Patrick-Maben: All Ayes

- *28) Minutes for week of January 31, 2005 - APPROVED

Patrick-Maben: All Ayes

- *29) Miscellaneous Letters and Documents - APPROVED

Patrick-Maben: All Ayes

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

Patrick-Maben: All Ayes

ADJOURNED TO TUESDAY, MARCH 8, 2005, AT 9:00 A.M.

Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
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.

29) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Received, certified and forwarded to Recorder for recordation as follows:
- 1) Tract Map 6050, Phase 2 S.D. #3
 - 2) Tract Map 6079, Unit 3 S.D. #4
 - 3) Tract Map 6152, Phase 4 S.D. #2
 - 4) Tract Map 6234, Unit 6 S.D. #4
- B) Letter from Clerk of the Board re implementation of publishing weekly agenda items to the Internet

Roads

- C) Received, completed Consent to Recordation and forwarded to Recorder an Irrevocable Offer of Dedication from Michael S. and Barbara A. Robinson for additional right-of-way on El Toro Viejo Road
- D) Received, completed Consent to Recordation and forwarded to Recorder an Irrevocable Offer of Dedication from Loung K. and Melissa Y. Chao for additional right-of-way on Norris Road at Airport Drive

Miscellaneous

- E) Letter to Scott Jones, County Administrative Officer, from Bill Murray, Greater Bakersfield Convention & Visitors Bureau, withdrawing their proposal to serve as County's tourism promotion agency (Copies to each Supervisor, CAO and Board of Trade)
- F) Letter from Dennis J. O'Bryant, State Department of Conservation, re Department of Water Resources proposed acquisition of land enrolled in Williamson Act Contract, Tehachapi Second Afterbay in Kern County (portions of APN 225-05-06, 07 and 19) (Copies to each Supervisor, CAO, Planning, Assessor and County Counsel)
- G) Letter from Ted Baregi in opposition to proposed rezoning at the northwest corner of Calloway and Seventh Standard Road (Copies to each Supervisor, Planning and County Counsel)
- H) Letter from Michael L. Kelley, Tehachapi Valley Recreation & Parks District, re request to adopt a park and recreation facility fee (Copies to each Supervisor and CAO)
- I) Letter from Louis E. Gitomer, San Joaquin Valley Railroad Co., re San Joaquin Valley Railroad Discontinuance Exemption in Kern County (near Levee) (Docket No. AB-398, Sub-No. 10X) and Sunset Railway Company Abandonment Exemption in Kern County (near Levee) (Docket No. AB-170, Sub-No. 2X) (Copies to each Supervisor, CAO, Planning and County Counsel)
- J) Letter from Doug Bellomo, Federal Emergency Management Agency, re Letter of Map Revision based on Fill Determination Document (Removal) (LOMR-F), Tract 5388, 10406 San Fernando Street (Copy to Engineering & Survey Services)

- K) Notice from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Crains Ice Cream & Liquor Store, 12025 Gardiner Avenue, Boron; Frazier Park Chevron, 161 Frazier Mountain Park Road, Frazier Park; GR Foodfair, 3901 Niles Street, Bakersfield; Tacos El Camino, 1835 Frontage Road, Suite B, Mettler; Tacos El Camino, 1835 Frontage Road, Suite A, Mettler; Loung Kok Chao, 5300 Olive Drive, Bakersfield; and Save Mart 97, 1121 Olive Drive, Bakersfield (Copies to each Supervisor, CAO and Planning)
- L) Notice from Federal Energy Regulatory Commission re order approving Erosion Control Plan filed by Southern California Edison for the Kern River No. 1 Hydroelectric Project 1930-058 (Copies to each Supervisor, CAO and Planning)
- 30) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Jana Gaye Ball and Dennis Burnell Ball vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of William L. Schmidt vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Subrogation claim in the matter of Robert Schamp by Geico Insurance vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Notice of lawsuit and request for waiver of Summons in the matter of Thomas Philip and Brenda Gross Philip vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)