

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, April 26, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Rubio

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) Proclamation proclaiming April 26, 2005 as National Laboratory Week in Kern County - PROCLAIMED; MADE PRESENTATION TO DOROTHY BOGGES; DOROTHY BOGGES HEARD

Rubio-Maben: All Ayes

- *2) Resolution honoring Sandee Shuman for her contributions to Wells Fargo and the Bakersfield Community - ADOPTED RESOLUTION; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Maben-Patrick: All Ayes

PUBLIC REQUESTS

- *3) Request from Tammy Burns, Child Care Facilitator, Kern County Child Care Council to submit January 1, 2005 to March 31, 2005 quarterly report - RECEIVED AND FILED

Maben-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 4) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) -

SUPERVISOR RUBIO EXPRESSED APPRECIATION TO THE KERN COUNTY FIRE DEPARTMENT AND YOUTH FROM THE PROBATION DEPARTMENT FOR THEIR PARTICIPATION LAST SATURDAY TO DISPOSE OF BULKY WASTE MATERIAL AS A PART OF NATIONAL CLEANUP DAY.

SUPERVISOR WATSON REPORTED ON A PRODUCTIVE MEETING HE ATTENDED YESTERDAY IN LOS ANGELES WITH THE KERN COUNTY WATER AGENCY, LOS ANGELES CITY AND COUNTY SANITATION DISTRICTS, ORANGE COUNTY SANITATION DISTRICT AND THE METROPOLITAN WATER AGENCY TO DISCUSS RESPONSES TO THE REQUEST FOR PROPOSAL TO REMOVE BIOSOLIDS FROM THE WATER BANK IN KERN COUNTY

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

McQuiston-Maben: All Ayes

IHSS PUBLIC AUTHORITY

AGING AND ADULT SERVICES

- #6) 2004 Annual Report of the In-Home Supportive Services Public Authority (Fiscal Impact: None) - RECEIVED AND FILED

Rubio-McQuiston: All Ayes

ADJOURNED AS IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

Rubio-McQuiston: All Ayes

DEPARTMENTAL REQUESTS

ASSESSOR-RECORDER

- *7) Request to employ retired County employee, David G. Campbell, as Appraiser III, Range 56.4, 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: \$35,450; Budgeted; Discretionary) - APPROVED

Maben-Patrick: All Ayes

CLERK OF THE BOARD

- *8) Amended Conflict of Interest Code for Kern County Water Agency (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- *9) Proposed Agreement with Peter C. Meade, M.D., a contract employee, for surgical services, from June 1, 2005 through May 31, 2010, in an amount not to exceed \$1,262,743 (Fiscal Impact: \$1,262,743; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 248-2005

Maben-Patrick: All Ayes

PARKS AND RECREATION DEPARTMENT

- *10) Request for authorization to apply for a tree planting grant in the amount of \$50,000 through Watershed, Wildlife and Parks Improvement Bond Act of 2000, Proposition 12, for the purchase and installation of trees at Buena Vista Aquatic Recreation Area (Fiscal Impact: \$50,000; State Grant; Not Budgeted; Discretionary) - APPROVED

Maben-Patrick: All Ayes

PARKS AND RECREATION - Wildlife Resources Commission

- *11) Request to cancel designated reserves from the Fish and Game Fund to the Wildlife Resources Budget to fund a project request from California Department of Fish & Game for fence repair for game water facilities in the Maricopa Area (Fiscal Impact: \$1,215; Not Budgeted; Discretionary) - APPROVED CANCELLATION OF THE DESIGNATION IN THE FISH AND GAME FUND 00160 IN THE AMOUNT OF \$1,215; APPROVED APPROPRIATION OF CANCELED DESIGNATIONS TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2740, CONTRIBUTION TO OTHER AGENCIES ACCOUNT 7870 IN THE AMOUNT OF \$1,215

Maben-Patrick: All Ayes

PROBATION

- *12) Request authorization to apply for Board of Corrections' continued Juvenile Justice Crime Prevention Act Funding (Comprehensive Multi-agency Juvenile Justice Plan Modification) (Fiscal Impact: \$2,000,139; State Grant; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-156

Maben-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *13) Notification of anticipated Retroactive Agreements between State Department of Health Services and various providers using Ryan White Care Act funds, for the period April 1, 2005 through March 31, 2006 (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

SHERIFF

- *14) Proposed Amendment No. 1 to Agreement 921-2004 with Superior Court of California, County of Kern, to provide court security services to increase the hourly rates for Deputy Sheriffs assigned to provide court security services and to provide for a not to exceed amount of \$6,500,000 (Fiscal Impact: \$400,000 Additional Revenue; Not Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 249-2005

Maben-Patrick: All Ayes

- *15) Request for retroactive approval of application to hold a triathlon - 25th Annual Bakersfield Triathlon - submitted by Action Sports and Bakersfield Police Activities League (P.A.L) on April 23, 2005 (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

TREASURER-TAX COLLECTOR

- *16) Request to approve expanded credit card use for property tax payments subject to processing fee under Revenue and Taxation Code Section 2511.1 (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *17) Treasurer's Pooled Cash Portfolio reporting for quarter ended March 31, 2005 (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 18) Request for closed session regarding Meet and Confer, CCAPE
-

COUNTY COUNSEL

- 19) Request for closed session regarding a lawsuit entitled Rafael Duran, et al. vs. County of Kern, et al., USDC(E) Case No. CIV-F-04-6105-LJO (Government Code Section 54956.9(a)) -
- 20) Request for closed session regarding a lawsuit entitled Barbara Ferguson vs. County of Kern, et al., WCAB #BAK0134717 (Government Code Section 54956.9(a)) -
- 21) Request for closed session regarding a lawsuit entitled Kimberly Miner vs. County of Kern, WCAB #BAK136430; BAK136431; BAK136432 (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-Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

McQuiston-Patrick: All Ayes

KERN SANITATION AUTHORITY

- #1) Contract No. 05024, Proposed Plans, Special Provisions and Notice to Contractors for construction of the Mount Vernon 18-inch Sewer Main Replacement (Fiscal Impact: \$800,000; Kern Sanitation Authority; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(b); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO CONTRACTORS; BID OPENING TO BE WEDNESDAY, MAY 18, 2005, AT 11:00 A.M.

Patrick-Maben: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

- 2) 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! - PEGGY DEFOOR ADDRESSED THE BOARD REGARDING ANIMAL CONTROL ISSUES; STEVE MCCALLEY, DIRECTOR OF ENVIRONMENTAL HEALTH SERVICES, RESPONDED THAT HE IS WORKING ON THE MATTER AND WILL PROVIDE A REPORT BACK TO THE BOARD IN THREE WEEKS

RECEIVED AND FILED DOCUMENT

Patrick-Maben: All Ayes

RUIZ TORRES SPOKE REGARDING ALLEGED LAW ENFORCEMENT ABUSE OF THE MEXICAN POPULATION AND REQUESTED CONSIDERATION OF THE BOARD'S SUPPORT TO ESTABLISH A MEXICAN CONSULATE IN BAKERSFIELD

REFERRED TO COUNTY COUNSEL AND COUNTY ADMINISTRATIVE OFFICER TO REPORT BACK REGARDING CONSIDERATION OF A LETTER OF SUPPORT TO STATE LEGISLATORS RELATIVE TO PLACEMENT OF A MEXICAN CONSULATE IN BAKERSFIELD

Maben-Rubio: All Ayes

R. A. CAMPBELL SPOKE REGARDING THE HOURS OF OPERATION AT THE ANIMAL CONTROL FACILITY

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 3) 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 PATRICK EXPRESSED CONCERN WITH THE NUMBER OF MEDICINAL MARIJUANA DISPENSARIES IN KERN COUNTY AND SPECIFICALLY THE THIRD DISTRICT

REFERRED TO COUNTY COUNSEL AND THE SHERIFF'S DEPARTMENT TO REPORT BACK REGARDING REGULATING THE NUMBER AND LOCATION OF DISPENSARIES, AND REVIEW OF STATE REGULATIONS PERMITTING THOSE FACILITIES

Patrick-Rubio: All Ayes

SUPERVISOR MABEN DISCUSSED CONDUCTING A BOARD STRATEGY SESSION OR COMMITTEE OF THE WHOLE MEETING TO DISCUSS LAND USE ISSUES RELATIVE TO CONVERSION OF PRIME AGRICULTURE LAND, IDENTIFYING AND PRESERVING WATER RECHARGE AREAS, DEVELOPING METROPOLITAN AND RURAL COMMUNITIES, AND HOW OTHER VALLEY COUNTIES ARE ADDRESSING THESE ISSUES

REFERRED THIS MATTER TO THE COUNTY ADMINISTRATIVE OFFICE AND RESOURCE MANAGEMENT AGENCY FOR REPORT BACK TO THE BOARD;
RECEIVED AND FILED DOCUMENT

Maben-Patrick: All Ayes

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ROAD COMMISSIONER CRAIG POPE REPORTED ON THE SUCCESSFUL REPAIR WORK COMPLETED ON COUNTY ROADS RESULTING FROM WINTER STORM DAMAGE, AND FURTHER REPORTED THAT EMERGENCY REPAIRS ON THE STINE CREEK CANAL WERE COMPLETED WITHIN TWO WEEKS

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 4) **Request from Crimson Resource Management (original applicant - Ron Burgess by B & L Anderson Consulting) to appeal the decision of the Hearing Officer to allow a third and fourth contractor's storage building on two separate parcels on 15 acres located on the north side of Snow Road, approximately 500 feet east of Allen Road, northwest Bakersfield (SD #1)**
Specific Request:

An appeal to the decision of the Hearing Officer to approve a Modification of Precise Development Plan 7, Map 101 (Notice of Decision 13-05; approved January 20, 2005) to allow a third and fourth contractor's storage building on two separate parcels for this precise development plan for the development of three separate contractor's storage yards in an NR (5) PD District (Appeal #14, Map #101)

(Categorically Exempt, Section 15303; Published Bakersfield Californian) (from 4/5/2005) - OPENED HEARING; PATTY LEE KUSEK, ENVIRONMENTAL, HEALTH AND SAFETY ENGINEER, CRIMSON RESOURCE MANAGEMENT, APPELLANT; RON BURGESS, APPLICANT; AND PAULINE LARWOOD, REPRESENTING CRIMSON RESOURCES, HEARD; CLOSED HEARING; CONTINUED TO TUESDAY, MAY 17, 2005, AT 2:00 P.M.; RECEIVED AND FILED DOCUMENT

McQuiston-Maben: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *5) **Request from Richard and Judith Kelley by Robert G. Hogue, L.S., to change the permitted uses from 20-acre residential to 1/2-acre residential on a 9,608 square-foot portion of a 33,879 square-foot lot located at 27800 Preakness Drive, Tehachapi (SD #2)**

Specific Request:

A change in zone classification from E (20) to E (1/2) RS or a more restrictive district (ZCC #13, Map #200)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-157 AND ENACTED ORDINANCE G-7229 APPROVING ZONE CHANGE, TO BECOME EFFECTIVE UPON RECORDATION OF THE CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT 70-04

Patrick-Rubio: All Ayes

- 6) **Request from Paul Rosales (original applicant - Crossings at Rosamond) to appeal the decisions of the Hearing Officer approving a precise development plan for 40 duplexes and a zone modification to allow a front-yard setback of 50 feet and a six-foot-high fence/wall within the front-yard setback on 7.5 acres zoned residential (medium density), located on the south side of Stetson Avenue, approximately 1/4 mile west of 40th Street West, Rosamond (SD #2)**

Specific Request:

An appeal to the decision of the Hearing Officer to approve (a) a Precise Development Plan for 40 duplexes (Section 19.20.020.A) (Notice of Decision 20-05; approved February 24, 2005); (b) a Zone Modification to allow a front-yard setback of 50 feet, where 55 feet is required (Section 19.20.070.A.1), and a six-foot-high fence/wall within the front-yard setback, where four feet is the maximum height allowed (Section 19.08.210.B) (Notice of Decision 21-05; approved February 24, 2005), in an R-2 PD H FPS District (Appeal #1, Map #231-13)

(Special Situation, Section 15182 and Categorically Exempt, Section 15305; Published Rosamond Weekly) - OPENED HEARING; PAUL ROSALES; R. A. CAMPBELL; AND SAM BENZ, REPRESENTING THE DEVELOPER, HEARD; CLOSED HEARING; CONTINUED TO TUESDAY, MAY 31, 2005, AT 2:00 P.M.

Maben-Patrick: All Ayes

- *7) **Request from Richard and Cynthia Burton to change the permitted uses from neighborhood commercial to general commercial on 32,000 square feet located at 12641 Rosedale Highway, Bakersfield (SD #4)**

Specific Request:

A change in zone classification from C-1 to C-2 or a more restrictive district (ZCC #26, Map #101-25)

(Special Situation, Section 15183; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-158 AND ENACTED ORDINANCE G-7230 APPROVING ZONE CHANGE WITH THE ADDITION OF THE PD (PRECISE DEVELOPMENT COMBINING) DISTRICT

Patrick-Rubio: All Ayes

- 8) **Request from Paul Nugent (original applicant - Paul Nugent by Dee Jaspar and Associates, Inc.) to appeal the March 24, 2005, decision of the Hearing Officer to disapprove his request for creation of a 37,027 square-foot parcel and a 42,164 square-foot parcel, where one acre (43,560 square feet [net]) is required, and the denial of his request for deletion of Type A road improvements on property located at 2255 Ruby Street, in west Bakersfield (SD #4)**

Specific Request:

An appeal to the decision of the Hearing Officer to disapprove (a) Tentative Parcel Map 11148 which proposed to divide 1.82 acres (net) into two parcels ranging from 37,027 square feet (net) to 42,164 square feet (net) for residential use; a development variation to the Land Division Ordinance to delete Type A improvement requirements; and (b) a Zone Modification to allow a 37,027-square-foot (net) parcel and a 42,164-square-foot (net) parcel, where one acre (43,560 square feet [net]) is

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the minimum allowed (Section 19.16.050), in an E (1) RS District (Appeal #8, Map #101-25) (Categorically Exempt, Section 15332; Published Bakersfield Californian) - OPENED HEARING; PAUL NUGENT, APPLICANT, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-159 UPHOLDING THE APPEAL, EXCEPT AS TO TYPE A ROAD IMPROVEMENTS, AND APPROVING PARCEL MAP INCLUDING TYPE A ROAD IMPROVEMENTS, AND APPROVING ZONE MODIFICATION AS REQUESTED

Maben-Patrick: All Ayes

NOTE: THE BOARD RECONSIDERED AGENDA ITEM NO. 16 AT THIS TIME, WHICH WAS PREVIOUSLY APPROVED ON CONSENT (SEE ITEM NO. 16).

- *9) **Request from William Denbeste by B & L Anderson Consulting to allow an approved public water supply system for this precise development plan which authorized the development of two 7,600-square-foot warehouse/shop and office buildings in an industrial area on 20 acres located on the west side of Cherry Avenue, approximately 800 feet north of Seventh Standard Road, Bakersfield (SD #1)**

Specific Request:

An Amendment of Condition (3)(h) to allow the applicant to receive domestic water for his development from a water supply system approved by the Kern County Environmental Health Services Department (Resolution 2004-159; approved June 1, 2004) for this precise development plan which authorized the development of two 7,600-square-foot warehouse/shop and office buildings, in an M-2 PD District (Notice of Decision 26-04; originally approved March 25, 2004) (PD Plan #26, Map #79)

(Negative Declaration; Published Shafter Press) - CONTINUED TO TUESDAY, MAY 31, 2005, AT 2:00 P.M.

Patrick-Rubio: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #2

- *10) Notice of Nonrenewal Petition No. 05-2 by Donald and Elsie Suburu for approximately 4 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Rubio: All Ayes

Miscellaneous

S.D. #4

- *11) Request from Jasman Development, LP, and LBREP/L-SunCal McAllister Ranch, LLC, for proposed Notification, Acknowledgement and Assignment Agreement for Development Agreement 2 to transfer the obligations of Jasman Development on 2,031.1 acres under Development Agreement 2, Map 122, for the McAllister Ranch Specific Plan, north side of Panama Lane, west of the Allen Road extension, southwest Bakersfield (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 250-2005; DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Rubio: All Ayes

S.D.'s #1 & #2

- *12) Proposed authorization to file formal protest with the Bureau of Land Management concerning deficiencies in the current Fish and Wildlife Service Desert Tortoise Recovery Plan on which the EIR/EIS is based, relating to the proposed West Mojave Plan, which amends the California Desert Conservation Plan on Public Land (Fiscal Impact: None) - AUTHORIZED PLANNING DIRECTOR TO SIGN PROTEST DOCUMENT OR EQUIVALENT, SUBJECT TO APPROVAL AS TO FORM BY COUNTY COUNSEL

Patrick-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

All S.D.'s

- *13) Proposed addition of one (1) Paralegal position and deletion of the Fair Housing Coordinator position, Budget Unit 5940, effective April 26, 2005 (Fiscal Impact: \$396 Savings; Community Development Block Grant Program; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services
Hearings

S.D. #2

- *14) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 26033 Yosemite Street, Mojave, APN 470-262-18, \$1,444.99 (Fiscal Impact: \$1,444.99; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-160 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

Patrick-Rubio: All Ayes

S.D. #4

- *15) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 402 - 4th Street, Taft, APN 039-182-22, \$3,957.50 (Fiscal Impact: \$3,957.50; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-161 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

MOTION TO RECONSIDER AGENDA ITEM NO. 16 PREVIOUSLY APPROVED ON THE CONSENT AGENDA

McQuiston-Patrick: All Ayes

- 16) Hearing for the abatement of a public nuisance involving the demolition of an abandoned and dangerous structure(s) at 204 Madison Street, Taft, APN 199-157-14, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; RON GUERRERI AND TIMOTHY EGLAND, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-162 DECLARING ABANDONED STRUCTURE(S) AND REAL PROPERTY A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 60 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT; PROPERTY OWNERS WERE DIRECTED TO SECURE FENCING AROUND PROPERTY DURING CONSTRUCTION

Patrick-Maben: All Ayes

S.D. #5

- *17) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 414 Curtis Drive, Bakersfield, APN 166-291-22, \$1,654.99 (Fiscal Impact; \$1,654.99; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-163 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

Patrick-Rubio: All Ayes

- *18) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 500 Curtis Drive, Bakersfield, APN 166-213-02, \$1,237.49 (Fiscal Impact: \$1,237.49; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-164 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

Patrick-Rubio: All Ayes

S.D. #1

- *19) Request for release of Faithful Performance Security for street, drainage, water and sewer one-year guarantee period, Tract 6014, North Hills Drive, John R. Meystedt (Fiscal Impact: None) - APPROVED; RELEASED FAITHFUL PERFORMANCE AMENDED LETTER OF CREDIT NO. 2004-21, IN THE AMOUNT OF \$8,090 AND RETURN TO MISSION BANK

Patrick-Rubio: All Ayes

- *20) Request to set protest hearing on proposed annual sewer service charge for County Service Area 39.1, Lakeshore Pines, for Fiscal Year 2005-2006 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-165; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE ENGINEER'S REPORT, TO MAIL NOTICES AND ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET HEARING FOR TUESDAY, JUNE 14, 2005, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED, PURSUANT TO SECTION 15273(a) OF CEQA

Patrick-Rubio: All Ayes

- *21) Request to set protest hearing on proposed annual sewer service charge for County Service Area 39.8, Reeder Tract, for Fiscal Year 2005-2006 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-166; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE ENGINEER'S REPORT, TO MAIL NOTICES AND ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET HEARING FOR TUESDAY, JUNE 14, 2005, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED, PURSUANT TO SECTION 15273(a) OF CEQA

Patrick-Rubio: All Ayes

S.D. #2

- *22) Request for approval of completed street, drainage, water and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Parcel Map 10887, and proposed Resolution for acceptance of 25th Street West and Rosamond Boulevard, as shown on Parcel Map 10887, into the County road system for maintenance as County Road No. 3962 (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$185,115 TO \$18,512, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING APRIL 26, 2005; ADOPTED RESOLUTION 2005-167 FOR ACCEPTANCE OF 25TH STREET WEST AND ROSAMOND BOULEVARD, AS SHOWN ON PARCEL MAP 10887, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE, AS COUNTY ROAD NO. 3962

Patrick-Rubio: All Ayes

- *23) Request for release of Faithful Performance Security for street, water, drainage and sewer one-year guarantee period, Tract 5195, Unit 3, south of Orange Street, west side of 35th Street West, Rosamond area, Kaufman and Broad Land Company (Fiscal Impact: None) - APPROVED; RELEASED 10% FAITHFUL PERFORMANCE BONDS No. 124049212 AMCAS, NO. 11119280227 AIC, NO. 124049176 AMCAS, NO. 11119280193 AIC, NO. 124049209 AMCAS, NO. 11119280219 AIC, NO. 124049193 AMCAS AND NO. 11119280201 AIC, IN THE AMOUNT OF \$272,230 ISSUED BY THE AMERICAN INSURANCE COMPANY AND AMERICAN CASUALTY COMPANY OF READING, PA

Patrick-Rubio: All Ayes

S.D. #3

- *24) Request to set protest hearing on proposed annual sewer service charge for County Service Area 71.1 for Fiscal Year 2005-2006 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-168; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE ENGINEER'S REPORT, TO MAIL NOTICES AND ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET HEARING FOR TUESDAY, JUNE 14, 2005, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED, PURSUANT TO SECTION 15273(a) OF CEQA

Patrick-Rubio: All Ayes

- *25) Request to set protest hearing on proposed annual sewer service charge for County Service Area 71.2 for Fiscal Year 2005-2006 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-169; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE ENGINEER'S REPORT, TO MAIL NOTICES AND ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET HEARING FOR TUESDAY, JUNE 14, 2005, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED, PURSUANT TO SECTION 15273(a) OF CEQA

Patrick-Rubio: All Ayes

- *26) Request to set protest hearing on proposed annual sewer service charge for County Service Area 71.3 for Fiscal Year 2005-2006 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-170; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE ENGINEER'S REPORT, TO MAIL NOTICES AND ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET HEARING FOR TUESDAY, JUNE 14, 2005, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED, PURSUANT TO SECTION 15273(a) OF CEQA

Patrick-Rubio: All Ayes

S.D. #4

- *27) Request to approve final map for Tract 5773, Phase 3, Golf Course Road, east of Buena Vista Golf Course, southwest Kern County, John R. Wilson, RCE, for Buena Vista Estates (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-171 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDER PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE), ACKNOWLEDGEMENT OF REVERSION OF TEMPORARY TURNAROUND EASEMENT AND RESTORATION OF INGRESS AND EGRESS ACROSS LOTS "E" AND "G" IN TRACT NO. 5773, PHASE 1; 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

Patrick-Rubio: All Ayes

- *28) Request for release of Laborers and Materialmen Security for Tract 6024, Heath Road Partners, LLC (Fiscal Impact: None) - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY LETTER OF CREDIT NO. 7020070520-02, IN THE AMOUNT OF \$879,059 AND RETURN TO ISSUING BANK, TRI COUNTIES BANK

Patrick-Rubio: All Ayes

S.D.'s #1 & #3

- *29) Request to set protest hearing on proposed annual sewer service charge for County Service Area 71 for Fiscal Year 2005-2006 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-172; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE ENGINEER'S REPORT, TO MAIL NOTICES AND ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET HEARING FOR TUESDAY, JUNE 14, 2005, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED, PURSUANT TO SECTION 15273(a) OF CEQA

Patrick-Rubio: All Ayes

All S.D.'s

- *30) Request to appropriate unanticipated revenue in the amount of \$50,000 from a Kern COG Grant to develop the GIS system base layers (Fiscal Impact: \$50,000; Kern COG Grant; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$50,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$50,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO ENGINEERING & SURVEY SERVICES BUDGET UNIT 1900

Patrick-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY

Environmental Health Services

All S.D.'s

- *31) Unusual Travel Request for Marcus Rodriguez, Environmental Health Specialist, to attend OES Hazardous Materials Specialist training in Woodland, California, May 1 to May 13, 2005, with costs to be paid with grant funding (Fiscal Impact: None) - APPROVED

Patrick-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #1

- *32) Contract No. 05004, identify apparent low bid from Griffith Company for construction on Seventh Standard Road at Coffee Road, in an amount not to exceed \$211,999 (Fiscal Impact: \$211,999; Metropolitan Bakersfield Transportation Impact Fee and \$150,000 from Halliburton, Inc.; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Patrick-Rubio: All Ayes

S.D. #5

- *33) Proposed Resolution authorizing Road Commissioner to request supplemental \$517,600 allocation for Oswell Street Railroad Overpass based on final cost (Fiscal Impact: Additional \$517,600 in State Separation of Grade Funds; Budgeted; Discretionary) -

WITHDRAWN

All S.D.'s

- *34) Report regarding contract change orders for the first quarter of 2005 (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Rubio: All Ayes

NOTE: ITEMS NO. 35, 36 AND 37 WERE HEARD CONCURRENTLY

WASTE MANAGEMENT

Hearings

S.D. #4

- 35) Public Hearing on proposed Ordinance establishing the schedule of Universal Solid Waste Collection service charges for residential property with four or fewer units in the Lost Hills Universal Collection Area for Fiscal Year 2005-2006 (3.3% increase in charges from Fiscal Year 2004-2005) (Fiscal Impact: None) - OPENED HEARING; R. A. CAMPBELL HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 21080(8) OF PUBLIC RESOURCES CODE; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ENACTED ORDINANCE G-7231

Maben-Rubio: All Ayes

- 36) Public Hearing on proposed Ordinance establishing the schedule of Universal Solid Waste Collection service charges for residential property with four or fewer units in the Unincorporated Taft Universal Collection Area for Fiscal Year 2005-2006 (3.3% increase in charges from Fiscal Year 2004-2005) (Fiscal Impact: None) - OPENED HEARING; R. A. CAMPBELL HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 21080(8) OF PUBLIC RESOURCES CODE; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ENACTED ORDINANCE G-7232

Maben-Rubio: All Ayes

All S.D.'s

- 37) Public Hearing on proposed Ordinance establishing the schedule of Universal Solid Waste Collection service charges for residential property with four or fewer units in the Metropolitan Bakersfield Universal Collection Area for Fiscal Year 2005-2006 (3.3% increase in charges from Fiscal Year 2004-2005) (Fiscal Impact: None) - OPENED HEARING; R. A. CAMPBELL HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 21080(8) OF PUBLIC RESOURCES CODE; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ENACTED ORDINANCE G-7233

Maben-Rubio: All Ayes

S.D. #1

- *38) Contract No. 05027; Proposed Plans, Special Provisions and Notice to Contractors for construction of a Landfill Gas Biofilter Treatment System at Ridgecrest Sanitary Landfill (Fiscal Impact: \$289,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15302; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO CONTRACTORS; BID OPENING TO BE WEDNESDAY, MAY 25, 2005, AT 11:00 AM

Patrick-Rubio: All Ayes

S.D.'s #1 & #2

- *39) Contract No. 05025, proposed Plans, Special Provisions and Notice to Contractors for construction of the South Access Improvements and Alternative Bid Project at the Bakersfield Metropolitan (Bena) Sanitary Landfill (Fiscal Impact: \$8,000,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - CONTINUED TO TUESDAY, MAY 10, 2005, AT 2:00 P.M.

Patrick-Rubio: All Ayes

- *40) Contract No. 05030, proposed Plans, Special Provisions and Notice to Contractors for construction of Phase 2A, Module 2 Earthworks at the Bakersfield Metropolitan (Bena) Sanitary Landfill (Fiscal Impact: \$6,000,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - CONTINUED TO TUESDAY, MAY 10, 2005, AT 2:00 P.M.

Patrick-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *41) Proposed response to Grand Jury Report entitled Clinica Sierra Vista (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Patrick-Rubio: All Ayes

- *42) Proposed response to Grand Jury Report entitled Kern County Sheriff's Department Lerdo Detention Facility (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Patrick-Rubio: All Ayes

- *43) Proposed response to Grand Jury Report entitled Kern County Sheriff's Department Property Room (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Patrick-Rubio: All Ayes

- *44) Proposed response to Grand Jury Report entitled Kern County Probation Department Victim/Witness Program (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Patrick-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *45) Proposed License Agreement with the State of California for continued use of a portion of Breckenridge Mountain to operate and maintain radio equipment for their communication purposes, from April 26, 2005 to April 25, 2015 (Fiscal Impact: \$250 per month Revenue to 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 251-2005

Patrick-Rubio: All Ayes

- *46) Proposed Agreement with Omega Construction for the construction of restroom facility at Lake Isabella Park, in an amount not to exceed \$281,500 (1960.8261) (Fiscal Impact: \$281,500; Parkland Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 252-2005

Patrick-Rubio: All Ayes

S.D. #2

- *47) Plans and Specifications for construction of the new Rosamond Fire Station No. 15 (8235.8365)(Fiscal Impact: \$1,600,000; Tobacco Security Proceeds Fund; 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; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, JUNE 2, 2005, AT 11:00 A.M.

Patrick-Rubio: All Ayes

- *48) Request to set hearing for purchase of 83.03 acres of land near the Bena Landfill site from Chimo Land Company, et al, for buffer purposes and possible habitat offset, in the amount of \$300,000 and \$598 for escrow and closing costs - (Fiscal Impact: \$300,598; Solid Waste Fund; Budgeted) - ADOPTED RESOLUTION 2005-173 SETTING HEARING FOR TUESDAY, MAY 31, 2005, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF PUBLIC HEARING THREE TIMES

Patrick-Rubio: All Ayes

S.D. #3

- *49) Change Order No. 13 for the New Airport Terminal at Meadows Field, an increase of \$183,217.75, for a new total of \$20,746,379.17 (8215.8415) (Fiscal Impact: \$183,217.75; Airport Enterprise Fund; General Fund; Budgeted; Discretionary) (from 4/19/2005) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Rubio: All Ayes

S.D. #4

- *50) Request for Proposal for architectural services for the Frazier Park Branch Library (Fiscal Impact: \$325,000; California Library Bond Act 2000; Budgeted) (1960.8158) - CONTINUED TO TUESDAY, MAY 3, 2005, AT 2:00 P.M.

Patrick-Rubio: All Ayes

All S.D.'s

- *51) Proposed appropriation of unanticipated revenue from Child Support Services for KGOV to produce "Kids Count" television program (Fiscal Impact: \$75,337 Revenue; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$75,337 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO COMMUNICATIONS BUDGET UNIT 1510, IN THE AMOUNT OF \$75,337

Patrick-Rubio: All Ayes

CONSIDERATION OF ORDINANCE INTRODUCED ON APRIL 12, 2005

- *52) Proposed Ordinance adding Chapter 8.47 to Title 8 of the Kern County Ordinance Code regarding seizure of automobiles used in illegal dumping - ENACTED ORDINANCE G-7234

Patrick-Rubio: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *53) Budget Transfers - APPROVED NO. 150 THROUGH NO. 159 AND NO. 161 THROUGH NO. 166

Patrick-Rubio: All Ayes

- *54) Minutes for week of March 14, 2005 - APPROVED

Patrick-Rubio: All Ayes

- *55) Miscellaneous Letters and Documents - APPROVED

Patrick-Rubio: All Ayes

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

Patrick-Rubio: All Ayes

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

Patrick-Rubio: All Ayes

ADJOURNED TO TUESDAY, MAY 3, 2005, AT 9:00 A.M.

Patrick

/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.

55) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

- 1) Tract Map 6219 S.D. #4
- 2) Parcel Map 11110 S.D. #1

Community & Economic Development

- B) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program with Mary A. Lyles

Planning

- C) Memorandum re name, address and contact information for new owner of McAllister Ranch Specific Plan - LBREP/L-Sun Cal McAllister Ranch, LLC

Roads

- D) Received, prepared Consent to Recordation and transmitted to Recorder for recordation an Irrevocable Offer of Dedication from Albert M. and Grace H. Goyenette for additional right-of-way for Panama Lane as requirement of revised plot plans for Triple G Dairy Freestall remodel

Miscellaneous

- E) Letter from Gloria D. Brown, U.S. Department of Agriculture, Forest Service, re quarterly Schedule of Proposed Actions (SOPA) for Los Padres National Forest for period from April 1 through June 30, 2005 (Copies to each Supervisor, CAO and Planning)
- F) Letter from Jesse Hargus re outstanding service received from Veterans' Services office (Copies to each Supervisor, CAO and Veterans' Services)
- G) Letter from Larry E. Reider, Kern County Superintendent of Schools, re response to the 2004-2005 Grand Jury report entitled "Kern County School Districts Trustees' Compensation" (Copies to each Supervisor and CAO)
- H) Letter from Georgia Hysaw re concerns about Social Security (Copies to each Supervisor and CAO)
- I) E-mail from Tony Verley re healthy growth in the Mojave area (Copies to each Supervisor and CAO)
- J) E-mail from Joel Park opposing lawsuit re premium pay for Sheriff's Commanders (Copies to each Supervisor and CAO)
- K) Grant of Avigation Easement from Westland Construction Corp. re Rosamond Skypark (Document 0205063039)
- L) Notice from Community Development Department, City of Shafter, re public hearing on Tuesday, May 10, 2005, and availability of Draft Environmental Impact Report, General Plan Update (Copies to each Supervisor, CAO and Planning)

- M) Notice from State Water Resources Control Board re petition for temporary change involving the transfer of up to 20 acre-feet of water to Geothermal, Inc., Landfill under Pacific Gas and Electric Company's License 7297 (Application 13771) (Copies to each Supervisor and CAO)
- 56) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Kern County Museum Authority Board requesting operational support for the 2005-2006 budget year - REFERRED TO CAO-BUDGET FILE (Copies to each Supervisor and CAO)
- B) Letter from David G. Casnocha, Stradling Yocca Carlson & Rauth, re California Community College Financing Authority, 2005 Tax and Revenue Anticipation Bonds, Kern Community College District - REFERRED TO COUNTY COUNSEL
- C) Letter from David G. Casnocha, Stradling Yocca Carlson & Rauth, re California Community College Financing Authority, 2005 Tax and Revenue Anticipation Bonds, West Kern Community College District - REFERRED TO COUNTY COUNSEL
- D) Engineer's Report, Kern County Table Grape Pest and Disease Control District, Special Benefit Assessment District, Fiscal Year 2005-2006 - REFERRED TO COUNTY COUNSEL (Copy to Agricultural Commissioner)
- 57) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Loretta Bailey Smith vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Deloris Bowles vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Christopher Michael Cervantes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Dina Alvary vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Lorena Guzman vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Summons and complaint in the matter of Sukut Construction, Inc. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)