

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

KERN MEDICAL CENTER
1830 Flower Street
Conference Room 1058
Bakersfield, California

Regular Meeting
Monday, September 12, 2005

2:00 P.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

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Report on the Development of the Physician Faculty Practice Plan at Kern Medical Center (Fiscal Impact: None) - DR. WILLIAM MEYER AND DR. THOMAS PURCELL HEARD; RECEIVED AND FILED

McQuiston-Patrick: All Ayes

- 4) Report on Physician Compensation at Kern Medical Center (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: All Ayes

- 5) Report on Physician Contract Language and Malpractice Liability Coverage Changes at Kern Medical Center (Fiscal Impact: None) - DR. THOMAS PURCELL HEARD; RECEIVED AND FILED

REFERRED TO KERN MEDICAL CENTER AND COUNTY ADMINISTRATIVE OFFICE TO REPORT BACK TO THE BOARD REGARDING LIMITATION OF MALPRACTICE COVERAGE AND TO FURTHER ANALYZE THE COST OF MALPRACTICE COVERAGE WITHIN TOTAL PHYSICIAN COMPENSATION PACKAGE

Rubio-McQuiston: All Ayes

- 6) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: All Ayes

- 7) Proposed retroactive Amendment No. 1 to Agreement 408-2005 with Arturo Gomez, M.D., a contract employee, for professional orthopedic surgery services in the Department of Surgery, to clarify the professional fee section of the Agreement and incorporate medical record documentation requirements in the job description (prior notification August 30, 2005) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 789-2005

Patrick-Rubio: All Ayes

- *8) Monthly report from County Administrative Office regarding Kern Medical Center's General Fund loan (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

- *9) Proposed Amendment No. 1 to Speaker/Training Services Agreement 975-2004 with The Advisory Board Academies, an independent contractor, for select KMC staff and the KMC medical staff leadership to participate in the Physician Leadership Academy, extending the term for six months, from September 30, 2005 to March 31, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 790-2005

Patrick-Maben: All Ayes

- *10) Proposed Agreement with the State of California, Department of Education, to participate in the 2005-06 Child and Adult Care Food Program, to help fund nutritional supplements for ElderLife participants (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 791-2005

Patrick-Maben: All Ayes

- *11) Proposed retroactive Amendment No. 2 to Agreement 143-2005 with AMN Healthcare, Inc., an independent contractor, for temporary nurse staffing, to increase the maximum not to exceed amount by \$924,500, to an amount not to exceed \$5,099,500 (Fiscal Impact: \$924,500; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 792-2005

Patrick-Maben: All Ayes

- *12) Proposed Amendment No. 1 to Agreement 980-2005 with Tempus, LLC, doing business as Emerald Health Services, an independent contractor, for temporary nurse staffing, to increase the maximum not to exceed amount by \$1,104,000, to an amount not to exceed \$2,104,000 (Fiscal Impact: \$1,104,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 793-2005

Patrick-Maben: All Ayes

- *13) Proposed Affiliation Agreement with Family Planning Associates Medical Group, Inc., an independent contractor, for off-site training on a rotational basis of OB/GYN physician residents, from September 22, 2005 through September 21, 2007, in an amount not to exceed \$12,000 (Fiscal Impact: \$12,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 794-2005

Patrick-Maben: All Ayes

- *14) Proposed retroactive Affiliation Agreement with Sher Institute for Reproductive Medicine, Los Angeles Medical Group, Inc., an independent contractor, for offsite training on a rotational basis of OB/GYN physician residents, from September 2, 2005 through September 1, 2007, in an amount not to exceed \$12,000 (prior notification August 30, 2005) (Fiscal Impact: \$12,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 795-2005

Patrick-Maben: All Ayes

- *15) Proposed Agreement for Professional Services with GSN, Inc., an independent contractor, for temporary nurse staffing, from September 12, 2005 through September 11, 2007, in an amount not to exceed \$2,000,000 (Fiscal Impact: \$2,000,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 796-2005

Patrick-Maben: All Ayes

ADJOURNED TO TUESDAY, SEPTEMBER 13, 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 Kern Medical Center Conference Room 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.

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 13, 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.

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BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring The Fox Theater 75th Diamond Jubilee Anniversary - ADOPTED RESOLUTION; MADE PRESENTATION TO JIM WHITEHEAD, PRESIDENT, FOX FOUNDATION; JIM WHITEHEAD HEARD

Patrick-Maben: All Ayes

- 2) Proclamation proclaiming September 17, 2005 as AKC Responsible Dog Ownership Day in Kern County - PROCLAIMED; MADE PRESENTATION TO JANICE ANDERSON; JANICE ANDERSON AND DENISE HAYNES, DIVISION CHIEF, ANIMAL CONTROL SERVICES HEARD

Maben-Rubio: All Ayes

- *3) Proclamation proclaiming September 17, 2005 as Constitution Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

McQuiston-Maben: All Ayes

PUBLIC REQUESTS

- 4) Request from Mark Bonas to address the Board regarding donation to the Jamison Children's Center - MARK BONAS, PRESIDENT, JAMISON CHILDREN'S CENTER FOUNDATION, PRESENTED A DONATION IN THE AMOUNT OF \$65,459.14 TO CONSTRUCT CLASSROOMS AT THE CENTER; MARK BONAS AND CARL GILFORD, DEPARTMENT OF HUMAN SERVICES, JAMISON'S CHILDREN'S CENTER, HEARD

ACCEPTED DONATION; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Patrick-Maben: All Ayes

APPOINTMENTS

- *5) Appointment of William T. Cooper as Fifth District Member to the Wildlife Resources Commission, term to expire December 31, 2008 - MADE APPOINTMENT

McQuiston-Maben: All Ayes

- *6) Reappointments of Carol Davis and Nedrabau Gilfillan as Third District Members to the Adult Day Health Care Board, terms to expire August 15, 2007 - MADE REAPPOINTMENTS

McQuiston-Maben: All Ayes

- *7) Reappointment of Bob Hampton as At-large Member to the Assessment Appeals Board, term to expire September 2, 2008 - MADE REAPPOINTMENT

McQuiston-Maben: All Ayes

PUBLIC PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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CHAIRMAN WATSON ANNOUNCED THE RETURN TO USUAL BUSINESS ATTIRE DURING BOARD MEETINGS EFFECTIVE IMMEDIATELY

SUPERVISOR PATRICK RECOGNIZED CORNELIO RODRIGUEZ, BAKERSFIELD COLLEGE POLITICAL SCIENCE TEACHER, WHO REQUIRES STUDENTS TO ATTEND PUBLIC MEETINGS AS PART OF THE ACADEMIC PROGRAM

SUPERVISOR RUBIO REQUESTED THE COUNTY ADMINISTRATIVE OFFICE, AGING AND ADULT SERVICES AND ALL COUNTY DEPARTMENTS PROMOTE THE USE OF DEACTIVATED CELL PHONES BY SENIOR CITIZENS FOR 911 EMERGENCY CALLS

DEPARTMENTAL REQUESTS

ASSESSOR-RECORDER

- *10) Proposed retroactive Personal/Professional Services Agreement with the Bakersfield Association of Realtors, Inc., for access to the Multiple Listing Service database, from July 1, 2004 to June 30, 2006, in an amount not to exceed \$12,000 (Fiscal Impact: \$12,000; State Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 797-2005

McQuiston-Maben: All Ayes

COUNTY COUNSEL

- *11) Proposed addition of one (1) Supervising Workers' Compensation Adjuster position, effective September 17, 2005 and deletion of one (1) Claims Manager position, effective October 28, 2005, Budget Unit 1910 (Fiscal Impact: \$20,051 savings: Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Maben: All Ayes

FIRE DEPARTMENT

- *12) Request for sole source procurement of Hurst hydraulic rescue equipment from LN Curtis and Sons in an amount not to exceed \$64,000 (Fiscal Impact: \$64,000; Homeland Security Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

McQuiston-Maben: All Ayes

NON-AGENDA ITEM 12A

MOTION TO CONSIDER NON-AGENDA ITEM 12A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE ON SEPTEMBER 6, THE BOARD REQUESTED INFORMATION ON THE RELIEF EFFORTS BEING COORDINATED AS A RESULT OF HURRICANE KATRINA. THE EMERGENCY MANAGEMENT COUNCIL MET WITH LOCAL AGENCIES ON SEPTEMBER 8 TO BEGIN DISCUSSIONS ON AVAILABLE COUNTY RESOURCES AND CAPACITY TO ADDRESS RELIEF EFFORTS IF ASSISTANCE WAS REQUESTED. HOWEVER, THE NECESSARY INFORMATION WAS NOT OBTAINED UNTIL AFTER THE DEADLINE POSTING FOR THE SEPTEMBER 13, BOARD OF SUPERVISORS MEETING AGENDA. DUE TO THE POSSIBILITY OF THE GOVERNOR OR FEMA REQUESTING QUICK RESPONSE TO CALLS FOR RELIEF, THE BRIEFING OF THE BOARD IS IMPERATIVE

Rubio-Patrick: All Ayes

- 12A) Report on relief efforts as a result of Hurricane Katrina -

REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE TO COORDINATE WITH ALL COUNTY DEPARTMENTS FOR REPORT BACK TO THE BOARD REGARDING THE FEASIBILITY OF ESTABLISHING A FULLY TRAINED AND CERTIFIED COUNTY WORKFORCE INCIDENT TEAM TO BE PREPARED TO RESPOND IN THE EVENT OF A LOCAL OR NATIONAL DISASTER

Maben-McQuiston: All Ayes

REFERRED TO THE FIRE DEPARTMENT TO PROVIDE A BRIEFING TO THE BOARD REGARDING PUBLIC EDUCATION RELATIVE TO THE COUNTY'S EMERGENCY RESPONSE PLAN, IN COORDINATION WITH COUNTY DEPARTMENTS AND LOCAL, STATE AND FEDERAL AGENCIES; REFERRED TO COUNTY COUNSEL TO REPORT ON THE STATUTORY PROVISIONS TO PROVIDE BRIEFINGS TO THE BOARD OF SUPERVISORS IN CLOSED SESSION RELATING TO PUBLIC EMERGENCIES

McQuiston-Rubio: All Ayes

RECEIVED AND FILED

McQuiston-Rubio: All Ayes

PROBATION

- *13) Proposed retroactive Agreement with Bakersfield City School District for prevention and intervention services, from August 24, 2005 through July 1, 2006, in an amount not to exceed \$200,000 (Fiscal Impact: \$200,000 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 798-2005

McQuiston-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *14) Proposed retroactive Agreement with Clinica Sierra Vista for HIV/AIDS Education and Prevention Program services, from July 1, 2005 to June 30, 2006, in an amount not to exceed \$64,130 (prior notification June 28, 2005) (Fiscal Impact: \$64,130; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 799-2005

McQuiston-Maben: All Ayes

- *15) Proposed retroactive Agreement with Clinica Sierra Vista for providing emergency housing assistance and related supportive services to HIV-infected persons using Housing Opportunities for Person with AIDS funds, from July 1, 2005 to June 30, 2006, in an amount not to exceed \$195,899 (prior notification June 28, 2005) (Fiscal Impact: \$195,899; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 800-2005

McQuiston-Maben: All Ayes

- *16) Proposed retroactive Agreement with Clinica Sierra Vista for providing outpatient primary care medical services using Ryan White Care Act Title II Program funds, from April 1, 2005 to March 31, 2006, in an amount not to exceed \$203,095 (prior notification April 26, 2005) (Fiscal Impact: \$203,095; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 801-2005

McQuiston-Maben: All Ayes

- *17) Notification of retroactive Agreements with San Diego State University Foundation for Kids' Plates Programs (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Maben: All Ayes

SHERIFF

- *18) Request to transfer \$70,000 from Sheriff's Trust Fund 22143 to fund activities of the Citizen Service Unit (Fiscal Impact: \$70,000 Revenue) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE FROM SHERIFF'S TRUST FUND 22143 IN THE AMOUNT OF \$70,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$70,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210

McQuiston-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Rubio

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 19) Request for Closed Session re Meet and Confer, CCAPE-CJU, KCDOA, KCFFU, KCPOA, KLEA -

COUNTY COUNSEL

- 20) Request for Closed Session regarding a lawsuit entitled County Sanitation District No. 2 of Los Angeles, et al. vs. County of Kern, et al., Tulare County Superior Court Case No. 99-189564 (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.

McQuiston-Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 13, 2005

2:00 P.M.

BOARD RECONVENED

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

RESULTS OF CLOSED SESSION

Request for Closed Session regarding a lawsuit entitled County Sanitation District No. 2 of Los Angeles, et al, vs. County of Kern, et al, Tulare County Superior Court Case No. 99-189564 (Government Code Section 54956.9(a)) (from Item No. 20 a.m.) - CHAIRMAN WATSON REPORTED ON RESULTS OF CLOSED SESSION, AGENDA ITEM NO. 20 A.M., WHERE, BY UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED PARTIAL SETTLEMENT IN THIS MATTER RELATING ONLY TO ATTORNEY FEES AND COSTS. THE BOARD AGREED TO ACCEPT THE ORANGE COUNTY SANITATION DISTRICT'S OFFER TO WAIVE ITS CLAIM FOR ATTORNEY FEES AND COSTS AGAINST THE COUNTY IN RETURN FOR THE COUNTY WAIVING ITS CLAIM FOR THE SAME FEES AND COSTS AGAINST THE DISTRICT BECAUSE OF THE FINANCIAL ADVANTAGE TO THE COUNTY.

ALSO, THE BOARD REQUESTED BY A UNANIMOUS VOTE THAT THE STAFF PREPARE A PUBLIC REPORT FOR THE BOARD AGENDA ON SEPTEMBER 27, 2005, ON THE STATUS OF THE COUNTY'S PLANS TO COMPLY FULLY WITH THE COURT-ORDERED CEQA PROCESS INVOLVING THE CLASS "B" ORDINANCE AND THE BOARD ORDERED INCLUSION OF A TOTAL BAN ON BIOSOLIDS IN THAT PROCESS.

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

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Maben-McQuiston: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed design plans for a six-inch sewer main at 1015 Pentz Street, Bakersfield, California (Fiscal Impact: None)
- APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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- MARILYN STEWART HEARD REGARDING CONDITIONS AT THE ANIMAL SHELTER, INCLUDING STAFFING LEVELS, AND REQUESTED ASSISTANCE TO IMPROVE THE SITUATION

DAVID PRICE, RESOURCE MANAGEMENT AGENCY DIRECTOR, PROVIDED INFORMATION ON EFFORTS TO IMPROVE STAFFING LEVELS AT THE ANIMAL SHELTER AND DISCUSSED THE POSSIBILITY OF UTILIZING WORK RELEASE PROGRAM PARTICIPANTS

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 MCQUISTON REQUESTED AN UPDATE ON A REFERRAL ON MEADOWS FIELD AIRPORT LAND USE COMPATIBILITY PLAN; TED JAMES, DIRECTOR, PLANNING DEPARTMENT, REPORTED ON PROGRESS AND ESTIMATED A 30-DAY REPORT BACK TIMELINE

SUPERVISOR MABEN REPORTED ON ATTENDING A LOCAL AGENCY FORMATION COMMISSION CONFERENCE IN MONTEREY AND ON CONCERNS REGARDING PROTECTION AND PRESERVATION OF AGRICULTURAL LAND; SUPERVISOR MABEN ALSO REQUESTED AN UPDATE ON A REFERRAL REGARDING AGRICULTURAL LAND PRESERVATION; TED JAMES PROVIDED AN UPDATE ON THE REFERRAL

SUPERVISOR RUBIO DISCUSSED THE NEED FOR A COMMITTEE COMPRISED OF STAFF FROM CITY OF BAKERSFIELD AND KERN COUNTY AGENCIES TO MEET ANNUALLY WITH UTILITY DISTRICTS TO DISCUSS TRUNKLINE ISSUES REGARDING SEWER, WATER, ZONING, ANNEXATION, SCHOOLS AND PARKS WITH POSSIBLE DISCUSSION TO BE HELD AT THE JOINT CITY/COUNTY MEETING ON MONDAY, SEPTEMBER 19, 2005

SUPERVISOR WATSON DISCUSSED THE NEED TO CLEARLY IDENTIFY POLICIES REGARDING DEVELOPING AGRICULTURAL LAND

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *4) **Request from Joseph Pineda to change the permitted uses from low-density residential to one-acre estate residential with large animals on 1.69 acres located at 18281 Thomas Lane, Shafter (SD #1)**
Specific Request:
A change in zone classification from R-1 to E (1) RS or a more restrictive district (ZCC #1, Map #79-16)
(General Rule, Section 15061(b)(3); Published Shafter Press)
- OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-397 AND ENACTED ORDINANCE G-7285 APPROVING ZONE CHANGE AS REQUESTED
Patrick-McQuiston: All Ayes

GENERAL PLAN AMENDMENT HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

Amendment of the Land Use, Open Space and Conservation Element of Kern County General Plan, Metropolitan Bakersfield General Plan, Western Rosedale Specific Plan, Chevron Section One Specific Plan, Breckenridge Hills Specific Plan, Casa Loma Specific Plan, and McAllister Ranch Specific Plan; Amend the Kern County Airport Land Use Compatibility Plan; Adopt Tejon Industrial Complex-East Specific Plan; Rescind the text and maps of the Chevron Section One Specific Plan, Mayfair Specific Plan, Pumpkin Center Specific Plan, and Seventh Home Specific Plan; Alteration of Agricultural Preserve 19; and other items as cited which include amendments of certain zoning maps and applications and proceedings:

- *5) **Request from James and Tracy Bell and Tom and Kathern Lara to change the permitted use on two contiguous ten-acre parcels from 10 acres to 2-1/2 acres on property located on the south side of East Dolphin Avenue, approximately 327 feet east of Richmond Street, Ridgecrest area (SD #1)**
Specific Request:
(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.7 to Map Code(s) 5.6 or a more restrictive map code designation (GPA #3, Map #71-11)
(b) A change in zone classification from E (10) RS FPS to E (2-1/2) RS FPS or a more restrictive district (ZCC #11, Map #71-11)
(Negative Declaration; Published Daily Independent) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED AMENDED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-398 AND 2005-399 AND ENACTED ORDINANCE G-7286 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED
Patrick-McQuiston: All Ayes

- *6) **Request from North Country Meadows, Inc., by DeWalt Corporation to change the permitted uses from commercial to residential on approximately 8.26 acres located on the northeast corner of Airport Drive and West Day Avenue, east of Meadows Field Airport, Bakersfield (SD #1)**

Specific Request:

- (a) Amend the Chevron Section One Specific Plan from Map Code(s) 6.1 and 5.3 to Map Code(s) 5.2 or a more restrictive map code designation (SPA #9, Map #102-1)
- (b) A change in zone classification from C-2 PD H and R-1 H to R-2 PD H or a more restrictive district (ZCC #33, Map #102-1)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED AMENDED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-400 AND 2005-401 AND ENACTED ORDINANCE G-7287 APPROVING SPECIFIC PLAN AMENDMENT AS REQUESTED AND APPROVING ZONE CHANGE TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL TRACT MAP

Patrick-McQuiston: All Ayes

- *7) **Request from Deanna L. Blaise to change the permitted uses from intensive agriculture to rural residential on 19.29 acres located at 15253 South Union Avenue, Bakersfield (SD #2)**

Specific Request:

Amend the Metropolitan Bakersfield General Plan from Map Code(s) R-IA to Map Code(s) RR or a more restrictive map code designation (GPA #6, Map #143-19)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-402 APPROVING GENERAL PLAN AMENDMENT AS REQUESTED

Patrick-McQuiston: All Ayes

- 8) **Request from S & J Rentals, LLC, by Robert G. Hogue, L.S., to change the permitted uses from residential to commercial to allow the development of a ministorage facility on five acres located at 48510 Valley Boulevard, Tehachapi (SD #2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.4 to Map Code(s) 6.2 or a more restrictive map code designation (GPA #3, Map #166-19)
- (b) A change in zone classification from A-1 to C-2 PD or a more restrictive district (ZCC #15, Map #166-19)
- (c) A Precise Development Plan for a ministorage facility on 5.13 acres in a C-2 PD District (PD Plan #5, Map #166-19)

(Negative Declaration; Published Tehachapi News) - OPENED HEARING; HEARD IN OPPOSITION TO PROJECT: WILLIAM NELSON, ON HIS OWN BEHALF AND REPRESENTING CHRIS ZEHNDER; GWEN CONWAY; AND WAYNE CALDWELL; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-403 DISAPPROVING REQUESTED GENERAL PLAN AMENDMENT, ZONE CHANGE AND PRECISE DEVELOPMENT PLAN

Maben-Patrick: All Ayes

- 9) **Request from Morris Klempfner by Donald E. Ward to change the permitted uses from 20-acre residential to 2-1/2-acre residential on 25.66 acres located at the northwest corner of Banducci Road and Vincent Street, Tehachapi (SD #2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.7 to Map Code(s) 5.6 or a more restrictive map code designation (GPA #3, Map #165-34)
- (b) A change in zone classification from E (20) to E (2-1/2) RS or a more restrictive district (ZCC #20, Map #165-34)

(Negative Declaration; Published Tehachapi News) - OPENED HEARING; HEARD IN OPPOSITION TO PROJECT: JOANNE HUCKINS, PRESIDENT, CUMMINGS VALLEY PROTECTIVE ASSOCIATION; CHUCK MCCOLLOUGH, CUMMINGS VALLEY PROTECTIVE ASSOCIATION; BARBARA ZERVAS HEARD AND READ PORTION OF LETTER FROM SMART GROWTH TEHACHAPI VALLEYS; AND WILLIAM NELSON; HEARD IN SUPPORT OF PROJECT: DONALD E. WARD, ENGINEER, REPRESENTING MORRIS KLEMPFNER; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED AMENDED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM ADDING MITIGATION RELATING TO PAVING VINCENT ROAD; ADOPTED RESOLUTION 2005-404 DISAPPROVING GENERAL PLAN AMENDMENT; ADOPTED RESOLUTION 2005-405 AND ENACTED ORDINANCE G-7288 APPROVING THE MORE RESTRICTIVE E (5) RS (ESTATE - 5 ACRES - RESIDENTIAL SUBURBAN COMBINING) DISTRICT, WITH THE ADDITION OF THE FP (FLOODPLAIN COMBINING) DISTRICT

Maben-Patrick: All Ayes

- 10) **Request from Brite Meadows, Inc., to change the permitted uses from exclusive agriculture to five-acre residential on 56.99 acres located south of Highway 202, north of Highline Road, west of Banducci Road, Tehachapi (SD #2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 5.8 to Map Code(s) 5.7 or a more restrictive map code designation (GPA #12, Map #165)
- (b) A change in zone classification from A to E (5) or a more restrictive district (ZCC #62, Map #165)

(Negative Declaration; Published Tehachapi News) - OPENED HEARING; HEARD IN OPPOSITION TO PROJECT: JOANNE HUCKINS, PRESIDENT, CUMMINGS VALLEY PROTECTIVE ASSOCIATION; CHUCK MCCULLOUGH, CUMMINGS VALLEY PROTECTIVE ASSOCIATION; BARBARA ZERVAS, HEARD AND READ PORTION OF LETTER FROM SMART GROWTH TEHACHAPI VALLEYS; AND WILLIAM NELSON; HEARD IN SUPPORT OF PROJECT: LOUISE KANE, CHIEF EXECUTIVE OFFICER, BRITE MEADOWS, INC.; MARGARET DRIES; PETE STURN; AND JOHN CROWDY; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED AMENDED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM ADDING MITIGATION RELATING TO REQUIRING COMMUNITY WATER SYSTEMS AND PAVING ON-SITE ROADS TO COUNTY MAINTAINED ROAD STANDARDS; ADOPTED RESOLUTIONS 2005-406 AND 2005-407 AND ENACTED ORDINANCE G-7289 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED

Maben-Patrick: All Ayes

- *11) **Request from Kern County Planning Department to amend the Kern County Airport Land Use Compatibility Plan for changes to the Comprehensive Land Use Plan and Airport Plan for the expansion of one runway and modification of the C, B-1, and B-2 Compatibility Zones for airport operations for the Mojave Airport located in Mojave, eastern Kern County, in the Mojave Specific Plan (SD #2)**

Specific Request:

Amend the Kern County Airport Land Use Compatibility Plan for changes to the Comprehensive Land Use Plan and Airport Plan for the Mojave Airport in the Mojave Specific Plan to reflect the expansion of one runway and modification of the C (Common Traffic Pattern), B-1 (Approach/Departure Zone and Adjacent to Runway), and B-2 (Extended Approach/Departure Zone) Compatibility Zones for airport operations (ALUCP - Amendment #3; GPA #132, Map #500)

(Special Situation, Section 15183; and General Rule, Section 15061(b)(3); Published Mojave Desert News) - REFERRED BACK TO STAFF

Patrick-McQuiston: All Ayes

- *12) **Request from Tejon Industrial Corporation to change the permitted uses from Light Industrial and Mineral and Petroleum to General Industrial and Commercial to be regulated by a Specific Plan for 1,109 acres, 25 miles south of Bakersfield, east side of Interstate 5 at Laval Road. The request also involves an exclusion of 959 acres from an Agricultural Preserve, the cancellation of 130 acres of land under agricultural contract, and a Development Agreement with the County (SD's #2 & #4)**

Specific Request:

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

(c) Adoption of the Tejon Industrial Complex-East Specific Plan text and map by ordinance which will establish the General Plan and the zoning for the property within the Specific Plan area (Adopt Tejon Industrial Complex-East Specific Plan)

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

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

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

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

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

(Continued to Page 17)

(Continued from Page 16)

(Supplemental Environmental Impact Report; Published Bakersfield Californian and Mountain Enterprise) - CONTINUED TO TUESDAY, NOVEMBER 8, 2005, AT 2:00 P.M.

Patrick-McQuiston: All Ayes

- 13) **Request from Sherrie Mitchell by Kern Land Design to change the permitted uses from suburban residential with large animals to office commercial on 21,013 square feet located at 9711 Holland Street, Bakersfield (SD #3)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) SR to Map Code(s) OC or a more restrictive map code designation (SPA #4, Map #102-30)
- (b) A change in zone classification from E (1/4) RS to CO PD or a more restrictive district (ZCC #27, Map #102-30)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2005-408 AND 2005-409 AND ENACTED ORDINANCE G-7290 APPROVING SPECIFIC PLAN AMENDMENT ZONE CHANGE AS REQUESTED

Patrick-Maben: 4 Ayes; 1 Abstained - Watson

- *14) **Request from Myles Family Trust by Marino and Associates to change the permitted uses from low-density residential to medium-density residential on 15.79 acres located on the north side of Kern Canyon Road, 5/8 mile east of Morning Drive, northeast Bakersfield (SD #3)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) SR to Map Code(s) HMR or a more restrictive map code designation (GPA #10, Map #104-30)
- (b) A change in zone classification from R-1 to R-2 or a more restrictive district (ZCC #29, Map #104-30)

(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 RESOLUTIONS 2005-410 AND 2005-411 AND ENACTED ORDINANCE G-7291 APPROVING GENERAL PLAN AMENDMENT, AS REQUESTED AND APPROVING ZONE CHANGE, WITH THE ADDITION OF THE PD (PRECISE DEVELOPMENT COMBINING) DISTRICT

Patrick-McQuiston: All Ayes

- *15) **Request from J & M California Land Company, Inc., et al., by Delmarter and Deifel to change the permitted uses from rural residential and limited agriculture to general commercial on nine acres located at the southeast corner of Noriega Road and Allen Road, Rosedale area, Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) RR to Map Code(s) GC or a more restrictive map code designation (GPA #58, Map #101)
- (b) A change in zone classification from A-1 to C-2 PD or a more restrictive district (ZCC #147, Map #101)

(Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, OCTOBER 25, 2005, AT 2:00 P.M.

Patrick-McQuiston: All Ayes

- *16) Request from Kern County Planning Department to amend the texts of the Bakersfield Metropolitan General Plan, Breckenridge Hills Specific Plan, Casa Loma Specific Plan, McAllister Ranch Specific Plan, and Western Rosedale Specific Plan to require community sewers and rescind the text and maps of the Chevron Section One Specific Plan, Mayfair Specific Plan, Pumpkin Center Specific Plan, and Seventh Home Specific Plan for property located in the Bakersfield metropolitan area (All S.D.'s)

Specific Request:

Amend the texts of the Bakersfield Metropolitan General Plan, Breckenridge Hills Specific Plan, Casa Loma Specific Plan, McAllister Ranch Specific Plan, and Western Rosedale Specific Plan to require community sewers for residential projects with a density greater than one dwelling per six acres, commercial, and industrial projects; Rescind the text and maps of the Chevron Section One Specific Plan, Mayfair Specific Plan, Pumpkin Center Specific Plan, and Seventh Home Specific Plan. Existing Specific Plan land use map codes will be replaced by corresponding land use map codes of the Bakersfield Metropolitan General Plan (GPA #131, Map #500)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - CONTINUED TO TUESDAY, OCTOBER 18, 2005, AT 2:00 P.M.

Patrick-McQuiston: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Miscellaneous

S.D. #3

- *17) Request from Zulfiqar Bawani for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 431 Roberts Lane, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-412

Patrick-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

All S.D.'s

- *18) Approval of Fiscal Year 2005-2006 Grant Agreements for the Community Development Block Grant (CDBG) Program in the amount of \$6,027,127, Home Investment Partnerships (HOME) Program in the amount of \$2,390,220, and Emergency Shelter Grant (ESG) Program in the amount of \$232,297 (Fiscal Impact: \$8,649,644; Federal CDBG, HOME, and ESG Grants; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 802-2005, 803-2005 AND 804-2005; AUTHORIZED DIRECTOR TO TRANSMIT TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Patrick-McQuiston: All Ayes

- *19) Closeout of completed Community Development Block Grant (CDBG) funded projects, and transfer of \$139,868.47 to the CDBG unprogrammed funds line item in Department 8920, Trust Fund 29080 (Fiscal Impact: \$139,868.47; CDBG; Budgeted; Discretionary) - APPROVED; AUTHORIZED NECESSARY HUD AND COUNTY BUDGET ADJUSTMENTS AND PROJECT CLOSEOUTS

Patrick-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #1

- *20) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6053, Phase 5, west side of North Chester Avenue, 400 feet north of West Day Avenue, north Bakersfield; and proposed Resolution for acceptance of street improvements for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$665,413 TO \$66,541, 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 SEPTEMBER 13, 2005; REDUCED FAITHFUL PERFORMANCE BOND NO. 1883662, IN THE AMOUNT OF \$665,413, ISSUED BY INSURANCE COMPANY OF THE WEST, TO \$66,541; ADOPTED RESOLUTION 2005-413 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6053, PHASE 5, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Patrick-McQuiston: All Ayes

- *21) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6053, Phase 7, north of West Day Avenue between North Chester Avenue and McCray Street, north Bakersfield; and proposed Resolution for acceptance of street improvements for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$416,200 TO \$41,620, 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 SEPTEMBER 13, 2005; REDUCED FAITHFUL PERFORMANCE BOND NO. 2122727, IN THE AMOUNT OF \$416,200, ISSUED BY INSURANCE COMPANY OF THE WEST, TO \$41,620; ADOPTED RESOLUTION 2005-414 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6053, PHASE 7, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Patrick-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY
Environmental Health Services

All S.D.'s

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

Rubio-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *23) Proposed handicap parking zone on Edna Street, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE
Patrick-McQuiston: All Ayes

S.D. #4

- *24) Contract No. 05028, Plans, Specifications and Notice to Contractors for construction on Stockdale Highway from Interstate 5 to one-half mile west of Renfro Road (Fiscal Impact: \$2,090,000; Roads Budget; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CEQA, PER SECTION 15301(C) OF THE STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, OCTOBER 12, 2005, AT 11:00 A.M.
Patrick-McQuiston: All Ayes

S.D. #5

- *25) Proposed no stopping zone on Alloway Lane, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE
Patrick-McQuiston: All Ayes
- *26) Contract No. 05008, Notice of Completion for Lamont Curb and Gutter Improvements Wharton Street - Phase 1 (Fiscal Impact: None) - RECEIVED AND FILED
Patrick-McQuiston: All Ayes

S.D.'s #1 & #4

- *27) Proposed Contribution Agreement with the California Department of Transportation to share costs for improvement of the intersection of State Route 43 and Pond Road/Wasco Pond Road, in an amount not to exceed \$71,046 (Fiscal Impact: \$71,046; Roads Budget; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 805-2005
Patrick-McQuiston: All Ayes

S.D.'s #2 & #4

- *28) Proposed Contribution Agreement with the California Department of Transportation to share costs for installation of traffic signals and safety lighting on State Route 119 at Gosford Road, in an amount not to exceed \$154,825 (Fiscal Impact: \$154,825; Roads Budget; Budgeted, Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 806-2005
Patrick-McQuiston: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *29) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 484, Local Agency Formation Commission (LAFCO) Proceeding No. 1431 (Fiscal Impact: FY 2006-2007 \$169; General Fund; Discretionary) - ADOPTED RESOLUTION 2005-415 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2006-2007 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING
- Patrick-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #2

- *30) Proposed Agreement with Golden Hills Community Services District for lease of 22209 Old Town Road as a Sheriff's substation office and a County road yard for the Tehachapi area, commencing no later than July 1, 2006; \$5,000 per month rent for first two years (Fiscal Impact: \$5,000 Monthly Rent; General Fund; Budgeted, Discretionary)- 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 807-2005
- Patrick-McQuiston: All Ayes**

S.D. #3

- *31) Proposed Contract with JTS Construction for concrete earthwork, fencing and construction of a 3,300 square foot metal building as part of the International Airlines Terminal Phase I, in an amount not to exceed \$495,600 (8994.8442) (Fiscal Impact: \$495,600; Airport Enterprise Fund; Budgeted; Discretionary) (from 9/6/2005) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 808-2005
- Patrick-McQuiston: All Ayes**

S.D. #4

- *32) Request for Aera Energy, LLC, to install a 14-inch pipeline (where 12-inch maximum is allowed under Franchise Ordinance F-355, without Board permission), Lost Hills Road, with crossing at Road 212C, Lokern, Delfern, and 7th Standard Roads (Fiscal Impact: Estimated \$673 Annual Revenue; General Fund; Not Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15304(f); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED INSTALLATION IN ACCORDANCE WITH ROADS DEPARTMENT REQUIREMENTS
- Patrick-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

- 33) Response to referral regarding options and alternatives for countywide electronic mail (Fiscal Impact: None) - RECEIVED AND FILED; DIRECTED ITS TO CONTINUE TO EVALUATE FUNCTIONALITY AND OPTIONS FOR COUNTYWIDE ELECTRONIC MAIL FOR REPORT BACK TO THE BOARD

McQuiston-Rubio: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *34) Budget Transfers - APPROVED NO. 14 THROUGH NO. 21
Patrick-McQuiston: All Ayes
- *35) Minutes for week of August 1, 2005 - APPROVED
Patrick-McQuiston: All Ayes
- *36) Miscellaneous Letters and Documents - APPROVED
Patrick-McQuiston: All Ayes
- *37) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED
Patrick-McQuiston: All Ayes
- *38) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
Patrick-McQuiston: All Ayes

ADJOURNED TO MONDAY, SEPTEMBER 19, 2005, AT 5:30 P.M., JOINT CITY/COUNTY MEETING, BOARD OF SUPERVISORS CHAMBERS

McQuiston

/s/ Tracey E. Cody
Administrative Coordinator

/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.

36) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Agriculture & Measurement Standards

- A) Letter from Theodore K. Davis re his decision not to seek re-appointment as Kern County Agricultural Commissioner/Sealer and retire from Kern County (Copies to each Supervisor and CAO)

Clerk of the Board

- B) Letter from Supervisor Rubio re unscheduled vacancy of Edward J. Herrera on the Human Relations Commission (Copies to each Supervisor, CAO and County Counsel)

- C) Letter from Karen DeWalt re resignation from the Kern County Board of Trade (Copies to each Supervisor and CAO)

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

1) Tract Map 6000, Unit 6 S.D. #1

Miscellaneous

- E) Letter from Deborah Dishington in opposition to proposed Kern Valley airport expansion (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)

- F) Letter from Jim Duarte, San Joaquin Valley Water Coalition, re change in bylaws to eliminate the Coalition Council (Copies to each Supervisor, CAO and Resource Management Agency)

- G) Letter from Mark O. Walsh, Western Counties Alliance (WCA), re information concerning the WCA organization (Copies to each Supervisor and CAO)

- H) Letter from Nicholas O. Bartsch, California Energy Commission, re Calpine Corporation's Application for Certification (AFC) to build and operate a 160 megawatt expansion of its existing plant on Tejon Ranch (Copies to each Supervisor, CAO, Planning and Resource Management Agency)

- I) Letter from Linc and Helena Moore re problems with dirt bikes on eastern Kern County streets (Copies to each Supervisor, CAO, Sheriff and County Counsel)

- J) Letter from Mark R. Huffman, Pacific Gas and Electric Company, re pleading filed with the Public Utilities Commission relating to municipal surcharge revenues remitted to cities and counties (Copies to each Supervisor and CAO)

- K) Letter from Marilyn Rega re Kern Medical Center issues (Copies to each Supervisor, CAO and Kern Medical Center)

- L) Letter from Wayne Clausen, City of Shafter, re proposed Seventh Standard Road Specific Plan Line, from Santa Fe Way to Coffee Road (Copies to each Supervisor, CAO, Planning and Roads)

- M) Letter from Heather Krause, Pacific Life, re Loan Agreement dated May 16, 1995, between Solinas Village Partners, Ltd., and California Community Reinvestment Corporation (Copy to Community & Economic Development)
- N) Letter from Sonia Hall, Cingular, re intent to construct a cellular facility at 15526 Twisselman Road, Lost Hills (Copies to each Supervisor, CAO and Planning)
- O) E-mail from Ashley J. Mullen re comments and suggestions concerning Kernville Airport (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)
- P) Notice from Standard School District re intent to adopt a mitigated negative declaration for Highland Knolls School Site (Copies to each Supervisor, CAO and Planning)
- Q) Notices from State Department of Alcoholic Beverage Control for applications for alcoholic beverage licenses as follows: Tumbleweed Café, 24870 Highway 33, Derby Acres; Oswell Market & Liquor, 3101 Niles Street, Bakersfield; Lil C Market, 2011 Niles Street, Bakersfield; and Regent Cocktail Lounge, 2814 Niles Street, Bakersfield (Copies to each Supervisor, CAO and Planning)
- R) Notice from Charlie Peters, Clean Air Performance Professionals, re amendments to Section 44036 of the California Health and Safety Code (Copies to each Supervisor and CAO)
- S) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, September 8, 2005
- T) Agenda of meeting from Kern County Child Care Council on Wednesday, September 7, 2005
- U) Minutes of meeting from Kern County Child Care Council on Wednesday, August 3, 2005
- 37) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Stan Shires offering assistance to the Parks and Recreation Department - REFERRED TO COUNTY ADMINISTRATIVE OFFICE (Copies to each Supervisor, Parks and County Counsel)
- 38) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Lauree Ward vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Helen Eslinger and Donnarae Flamm vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Dawn Trull vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- D) Claim in the matter of Eric J. Fassbender vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Maria Stewart vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Patricia E. Provencio vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Bradley Dahl vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Marc R. Tow & Associates vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Viola Mae Welch by Dennis Gregory Fox vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Complaint in the matter of Rialto Housing Authority vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)