

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 21, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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 September 21, 2004 as Myositis Awareness Day in Kern County - PROCLAIMED; MADE PRESENTATION TO JUDY ROWLEY; JUDY ROWLEY HEARD

Maben-Patrick: All Ayes

- *2) Proclamation proclaiming October 1-3, 2004 as California Hot Rod Reunion Days in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Maben-Patrick: All Ayes

- *3) Resolution honoring Rebecca Giddens for her accomplishments at the 2004 Summer Olympic Games - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Maben-Patrick: All Ayes

APPOINTMENTS

- *4) Appointment of Cynthia Annette Leija (replacing Teresa Judd) as Third District Child Care Provider member, term to expire June 30, 2005; and Linda K. Oates as Third District Discretionary Member, term to expire June 30, 2007, to the Local Child Care and Development Planning Council - MADE APPOINTMENTS

Maben-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 5) 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

- 6) 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 ANNOUNCED HE WILL BE ABSENT FROM THE SEPTEMBER 28, 2004 BOARD MEETING TO ATTEND MEETINGS IN WASHINGTON, D.C. RELATING TO MILITARY BASE RETENTION

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *7) Proposed salary adjustments for "per diem" job classifications at Aging and Adult Services, effective October 2, 2004 (Fiscal Impact: \$10,290; County General Fund; Budgeted; Non-Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

AIRPORTS

- *8) Amended Conflict of Interest Code for the Department of Airports (Fiscal Impact: None)- APPROVED

Maben-Patrick: All Ayes

COUNTY COUNSEL

- *9) Resolution authorizing the issuance and sale of Buttonwillow Union School District General Obligation Bonds, Election of 2002, Series 2004A in the aggregate principal amount of not to exceed \$2,500,000 - ADOPTED RESOLUTION 2004-331

Maben-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *10) Proposed Workforce Investment Act Five-Year Plan Modification and performance negotiations (Fiscal Impact: None; Mandatory) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DESIGNATED ETR DIRECTOR AS POINT OF CONTACT FOR NEGOTIATIONS

Maben-Patrick: All Ayes

FIRE DEPARTMENT

- *11) Request for authorization to apply for four (4) 2005 Western States Wildland Urban Interface Grants involving hazardous fuels reduction (Fiscal Impact: None) - APPROVED; AUTHORIZED DEPARTMENT TO EXECUTE NECESSARY DOCUMENTS

Maben-Patrick: All Ayes

- *12) Request for authorization to apply for 2005 Western States Wildland Urban Interface Grant to fund the publication and distribution of "Living With Fire" newspaper inserts (Fiscal Impact: \$1,500; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED DEPARTMENT TO EXECUTE NECESSARY DOCUMENTS

Maben-Patrick: All Ayes

- *13) Request for authorization to apply for 2005 Western States Wildland Urban Interface Grant to fund the purchase of "Homeowner's Guide to Firewise Landscaping" pamphlets (Fiscal Impact: \$1,900; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED DEPARTMENT TO EXECUTE NECESSARY DOCUMENTS

Maben-Patrick: All Ayes

HUMAN SERVICES

- *14) Proposed Agreement with Edward T. Smith II, contract employee, for a Foster Parent Coordinator position from September 21, 2004 through August 31, 2005, in an amount not to exceed \$30,000 (Fiscal Impact: \$30,000 State/Federal; Budgeted; non-mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 843-2004

Maben-Patrick: All Ayes

- *15) Proposed deletion of three (3) Group Counselor I/II positions and addition of three (3) Group Counselor III positions to Budget Unit 5120, effective September 14, 2004 (Fiscal Impact: \$17,061 State/Federal; \$1,383 County; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

Maben-Patrick: All Ayes

- *16) Proposed Accountant I/II/III Series be made a flexible classification in the Department of Human Services (Fiscal Impact: \$12,146 State/Federal; \$507 County; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

Maben-Patrick: All Ayes

- *17) Proposed Agreement with ARRC Enterprises, Inc., for Independent Living Program Foster Youth Computer Camp, from October 1, 2004 through September 30, 2005, in an amount not to exceed \$54,090 (Fiscal Impact: \$54,090 State/Federal; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 844-2004

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- *18) Proposed changes in clinical privilege status for 19 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *19) Notification of retroactive Agreement with Randolph Fok, M.D., for obstetrical and gynecological services (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *20) Proposed Amendment No. 3 to Agreement 338-2003 with Golden Empire Affordable Housing, Inc., dba Green Gardens, for single resident occupancy (SRO) temporary housing services for dually diagnosed homeless adults in the Bakersfield area, to extend the contract term through December 31, 2004, and increase compensation from \$6,250, to an amount not to exceed \$7,500 (an increase of \$1,250) (Fiscal Impact: \$1,250; Grant (AB2034); Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 845-2004

Maben-Patrick: All Ayes

- *21) Proposed Agreement with Restoration Village Treatment Center, Inc., for single room occupancy (SRO) temporary housing services for homeless dually diagnosed consumers in the Bakersfield area, from October 1, 2004 through December 31, 2004, in an amount not to exceed \$5,000 (Fiscal Impact: \$5,000; Grant (AB-2034); Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 846-2004

Maben-Patrick: All Ayes

- *22) Proposed Agreement with Restoration Village Treatment Center, Inc., for specialty transitional housing services for dually diagnosed clients who are undergoing mental health and/or substance abuse treatment, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$77,500 (Fiscal Impact: \$77,500; Grant (AB-2034); Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 847-2004

Maben-Patrick: All Ayes

- *23) Proposed approval for Kern County Mental Health to change to the Hospital Inpatient Day and Administrative Day rates so the reimbursement billed to Short-Doyle Medi-Cal is equivalent to the services billed to the Department by Kern Medical Center, which have not been changed since FY 2002-2003 - (Fiscal Impact: \$37,285 Additional Federal Financial Participation) - APPROVED; AUTHORIZED THE MENTAL HEALTH DEPARTMENT TO BILL AT THESE RATES EFFECTIVE OCTOBER 1, 2004

Maben-Patrick: All Ayes

PERSONNEL

- *24) Classification of positions recommended by Civil Service Commission effective October 2, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *25) Proposed addition of one (1) full-time Office Services Specialist position and deletion of one (1) vacant full-time Health Education Assistant I/II position, effective September 21, 2004 (Fiscal Impact: \$8,215 savings; Not Budgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

TREASURER-TAX COLLECTOR

- *26) Pooled Cash Portfolio Analysis for Month Ended August 2004 - RECEIVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 27) Request for Closed Session regarding Meet and Confer, KCSCA, KCPA -

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

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

Parra-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- 3) **Request from Arnold Cattani by B & L Anderson Consulting to change the permitted uses from intensive agriculture to residential on 38.18 acres located at the northwest corner of Snow Road and Enos Lane, approximately five miles south of Shafter (SD #1)**

Specific Request:

Amend the Western Rosedale Specific Plan from Map Code(s) R-IA to Map Code(s) RR or a more restrictive map code designation (GPA #24, Map #100)

(Negative Declaration; Published Bakersfield Californian) (from 9/7/2004) - OPENED HEARING; GIL SNOWDEN AND BRIAN BATEY HEARD IN SUPPORT OF STAFF'S RECOMMENDATION; CLOSED HEARING; DISAPPROVED GENERAL PLAN AMENDMENT ON THE BASIS THAT IT IS PREMATURE AND LACKING INFRASTRUCTURE

Patrick-Watson: All Ayes

- 4) **Request from Coram Energy Corporation by Patrick and Henderson, Inc., to allow construction of a 339.5-foot-tall wind turbine on 7.75 acres located approximately one mile north of Oak Creek Road, southeast of Cameron Canyon Road, Tehachapi area (SD #2)**

Specific Request:

A Zone Variance to allow construction of a 339.5-foot-tall wind turbine (Section 19.08.160 and Section 19.16.080) in E (5) RS MH and E (20) RS MH Districts (ZV #30, Map #198) (Categorically Exempt, Section 15302; Published Tehachapi News) (from 9/7/2004) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: JOHN LANTZ; CHRISTINE WEBER; HELEN LANTZ; LORRAINE UNGER, KERN KAWEAH CHAPTER OF THE SIERRA CLUB; AND JEAN LANTZ; HEARD IN SUPPORT OF STAFF RECOMMENDATION: BRIAN O'SULLIVAN, PRESIDENT, CORAM ENERGY GROUP; AND ROBERT MORRISON; CLOSED HEARING; DWIGHT DEACON, AIR FORCE FLIGHT TEST CENTER, RESPONDED TO QUESTIONS BY THE BOARD; CONTINUED TO TUESDAY, OCTOBER 26, 2004, AT 2:00 P.M.

Maben-Parra: All Ayes

RECEIVED AND FILED DOCUMENT

Patrick-Maben: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearing

All S.D.'s

- *5) **Public Hearing to review County of Kern's performance during implementation of the federal Community Development Block Grant Program, the Home Investment Partnerships Program, and the Emergency Shelter Grant Program during Fiscal Year (FY) 2003-2004, and review of the County's Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2003-2004, prior to submission to U.S. Department of Housing and Urban Development (HUD) (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED CAPER FOR FY 2003-2004, INCLUDING DOCUMENTATION OF ANY PUBLIC COMMENT; AUTHORIZED DIRECTOR TO SUBMIT COMPLETED DOCUMENT TO HUD**

Watson-Parra: All Ayes

S.D. #5

- *6) Proposed Request for Release of Funds (RROF) for Activity No. 12.04.1, Arvin Street Reconstruction Improvements, Phase III (Fiscal Impact: \$197,216; Community Development Block Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO EXECUTE RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT RROF AND CERTIFICATION TO HUD

Watson-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services
Hearings
S.D. #1

- 7) Proposed Resolution ordering the extension of Zone of Benefit Nos. 3, 5, 7 and 8 in County Service Area No. 71, determining to adopt and accept an Ordinance enacting assessments for the area included within the boundaries extended herein, Tracts 6097 and 6143, northwest Bakersfield, located north of Snow Road and east of Calloway Drive (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7139 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-332 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$85 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$12 PER PARCEL FOR STREET SWEEPING, \$25 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE, \$780 PER PARCEL FOR LANDSCAPE AND WALL MAINTENANCE; DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES EXTENDED HEREIN; ORDERING THE EXTENSION OF ZONE OF BENEFIT NOS. 3, 5, 7 AND 8 IN COUNTY SERVICE AREA NO. 71

Patrick-Watson: All Ayes

S.D. #4

- 8) Proposed Resolution ordering the extension of Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, determining to adopt and accept an Ordinance enacting assessments for the area included within the boundaries extended herein, Tract 6208, west Bakersfield, located south of Palm Avenue and east of Nord Avenue (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7140 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-333 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$130 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$12 PER PARCEL FOR SEPTIC MONITORING, \$140 PER PARCEL FOR SEWER SERVICE, \$12 PER PARCEL FOR STREET SWEEPING, \$50 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE, \$750 PER PARCEL FOR LANDSCAPE AND WALL MAINTENANCE, \$200 PER PARCEL FOR MULTI-USE TRAIL, LANDSCAPE AND WALL MAINTENANCE; DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES EXTENDED HEREIN; ORDERING THE EXTENSION OF ZONE OF BENEFIT NOS. 3, 5, 7, 8 AND 10 IN COUNTY SERVICE AREA NO. 71

Maben-Watson: All Ayes

S.D. #2

- *9) Request to set Government Code 66452.5 public hearing to consider an appeal to the expiration of tentative Tract 5175, Rosamond (Fiscal Impact: None) - APPROVED; SET PUBLIC HEARING FOR TUESDAY, OCTOBER 5, 2004, AT 2:00 P.M., TO HEAR APPEAL; DIRECTED ENGINEERING AND SURVEY SERVICES TO PROVIDE NOTICE

Watson-Parra: All Ayes

S.D. #4

- *10) Request to set public hearing to consider levying assessments for Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, and proposed Resolution of Intention to Extend Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, Tract 6145, west Bakersfield, located south of Hageman Road and east of Renfro Road (Fiscal Impact: None) - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; ADOPTED RESOLUTION 2004-334 SETTING PUBLIC HEARING FOR TUESDAY, NOVEMBER 2, 2004, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO THE PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED

Watson-Parra: All Ayes

- *11) Request to set public hearing to consider levying assessments for Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, and proposed Resolution of Intention to Extend Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, Tracts 6122, 6126, 6154 and 1.14 acres on Rosedale Highway, west Bakersfield, located south of Rosedale Highway and east of Rudd Road (Fiscal Impact: None) - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; ADOPTED RESOLUTION 2004-335 SETTING PUBLIC HEARING FOR TUESDAY NOVEMBER 9, 2004, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO THE PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED

Watson-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #3

- *12) Proposed Right-of-Way Contract and easement deed from Eldwin Noel Burch and escrow instructions to purchase approximately 2,200 square feet of property for the improvement of Pioneer Drive at Ansol Lane (Fiscal Impact: \$6,500; State Funding; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN ESCROW INSTRUCTIONS AND AGREEMENT 848-2004; ACCEPTED EASEMENT DEED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

Watson-Parra: All Ayes

- *13) Proposed Right-of-Way Contract and easement deed from David Falk and escrow instructions to purchase approximately 4,968 square feet of property for the improvement of Pioneer Drive at Park Drive (Fiscal Impact: \$2,885; State Funding; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN ESCROW INSTRUCTIONS AND AGREEMENT 849-2004; ACCEPTED EASEMENT DEED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

Watson-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *14) Proposed Agreement with IWV 2000 for military base retention efforts for Fiscal Year 2004-2005 in the amount of \$60,000 (Fiscal Impact: \$60,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 850-2004

Watson-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *15) Proposed License Agreement with the Federal Bureau of Investigation for use of a portion of Breckenridge Mountain to operate and maintain radio equipment for their communication purposes from October 1, 2004 to September 30, 2014 (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 851-2004

Watson-Parra: All Ayes

S.D. #3

- *16) Proposed retroactive License Agreement with United States Navy permitting County to operate a traffic signal on the corner of Chester and West Columbus Avenues from March 1, 2004 to February 28, 2009 (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 852-2004

Watson-Parra: All Ayes

- *17) Proposed Agreements (2) with Loyd's Aviation for lease of hangar space at Meadows Airport to store Fire Department aircraft during the winter months from November 1, 2004 to March or April 2005 (Fiscal Impact: \$945 per month rent payment; Fire Dept. Fund No. 00011; 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 AGREEMENTS 853-2004 AND 854-2004

Watson-Parra: All Ayes

- *18) Request to release the \$50,000 bid deposit of the second highest bidder in the sale of 1600 Norris Road, Bakersfield, and the \$100,000 bid deposit of the second highest bidder in the sale of surplus property at Olive Drive and Victor Street, Bakersfield (Fiscal Impact: None) - AUTHORIZED GENERAL SERVICES AND AUDITOR-CONTROLLER-COUNTY CLERK TO REFUND THE \$50,000 BID DEPOSIT TO STEPHEN LANTZ AND THE \$100,000 BID DEPOSIT TO BERKSHIRE PROPERTIES, INC.

Watson-Parra: All Ayes

S.D. #4

- *19) Request for approval of intent to donate surplus mobile radios to the City of Taft Fire Department (Fiscal Impact: None) - APPROVED; DIRECTED COUNTY COUNSEL TO PREPARE NOTICE OF INTENT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Watson-Parra: All Ayes

S.D. #5

- *20) Proposed License Agreement with Borton, Petrini & Conron for use of certain County facilities and property for the 2004 Bakersfield Business Conference (Fiscal Impact: Up to \$5,000 revenue plus reimbursables; Unbudgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED LICENSE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 855-2004; APPROVED "THE MAYOR'S WELCOME CENTER AND KERN COUNTY SHOWCASE" PROGRAM

Watson-Parra: All Ayes

- *21) Proposed License Agreement with Bear Mountain Flyers to use a portion of the buffer around Arvin Sanitary Landfill to fly model airplanes from September 21, 2004 to September 20, 2009 (Fiscal Impact: \$160 per year revenue to County; Unbudgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15304; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 856-2004

Watson-Parra: All Ayes

All S.D.'s

- *22) Plans and specifications for Communication Towers and Site Improvements at Various Locations, Phase II (Project No. 8235.8361A)(Fiscal Impact: \$371,900; COP 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, OCTOBER 21, 2004, AT 11:00 A.M.

Watson-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *23) Budget Transfers - APPROVED NO. 7 AND NO. 9 THROUGH NO. 12

Watson-Parra: All Ayes

- *24) Minutes for week of August 23, 2004 - APPROVED WITH CORRECTION TO ITEM NO. 15 P.M., TO CHANGE THE AMOUNT OF \$5,700 TO **\$5,970** AND TO AUTHORIZE CHAIRMAN TO **SIGN ESCROW INSTRUCTIONS**

Watson-Parra: All Ayes

- *25) Miscellaneous Letters and Documents - APPROVED

Watson-Parra: All Ayes

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

Watson-Parra: All Ayes

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

Watson-Parra: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 28: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE ON SEPTEMBER 21, 2004, COUNTY OFFICIALS LEARNED ABOUT A SIGNIFICANT EXPOSURE TO LITIGATION THAT MERITS THIS BOARD'S IMMEDIATE ATTENTION.

Parra-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSION

COUNTY COUNSEL

- 28) Request for Closed Session regarding significant exposure to litigation against the County (Government Code Section 54956.9(b)(1)) -

(If public reporting is required by Government Code Section 54957.1 relating to the above matter, the public reporting of any action taken in closed session will be made at the beginning of the next regular meeting of the Board of Supervisors)

RECONVENED FROM CLOSED SESSION; ADJOURNED TO MONDAY,
SEPTEMBER 27, 2004, AT 5:30 P.M.

Patrick-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

25) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Airports

- A) Letter stating proposed amendment of Zoning Map No. 231-17, Zone change Case No. 7 and Precise Development Plan No. 5, Map No. 231-16 does not present a conflict with aviation interests of the East Kern Airport District (Copies to each Supervisor, CAO, Planning and County Counsel)

Auditor-Controller-County Clerk

- B) Report of election results web page testing

Clerk of the Board

- C) Received, certified and transmitted to Recorder for recordation as follows:

- 1) Tract Map 6186 S.D. #4
2) Parcel Map 10679 S.D. #1

Engineering & Survey Services

- D) Response to referral to Craig Braun, Borton, Petrini & Conron, LLP, re expiration of Tract 5175 (Copies to each Supervisor and CAO)

General Services

- E) Two (2) replacement bonds from Safeco Insurance Company of America, Bond Nos. 6214969 and 6214977 each in the amount of \$1,000, per Ordinances F-344 and F-407, replacing bonds issued by American Home Assurance Nos. 22-12-23 and 16-51-17

Roads

- F) Received, prepared Consent to Recordation and transmitted to Recorder for recordation an Irrevocable Offer of Dedication from John A. Mackellar and Marsha A. Mackellar for additional right-of-way on Aries Drive

Miscellaneous

- G) Letter from Katherine Prewett in opposition to request from Hageman Northwest, LP re GPA No. 51, Map No. 101, Zone Change Case No. 137, Map No. 101 (Copies to each Supervisor, CAO, Planning and County Counsel)
- H) Letter from Babak Naficy on behalf of the Sierra Club in opposition to request from Hageman Northwest, LP re GPA No. 51, Map No. 101, Zone Change Case No. 137, Map No. 101 (Copies to each Supervisor, CAO, Planning and County Counsel)
- I) Letter from Daniel Vaughn, U.S. Department of the Interior, Bureau of Land Management, re planned land exchange in the central California area (Copies to each Supervisor, CAO, Resource Management Agency and Planning)
- J) Letter from Ann E. Wiederrecht in opposition to request from John E. Doersam for a Nonsummary vacation of a portion of Burlando Road, Kernville (Copies to each Supervisor, CAO, Planning and County Counsel)

- K) Letter from Charles White, Kern River Valley Revitalization, Inc., in opposition to request from John E. Doersam for a Nonsummary vacation of a portion of Burlando Road, Kernville (Copies to each Supervisor, CAO, Planning and County Counsel)
- L) Letter from E. B. Oglesby in opposition to request from John E. Doersam for a Nonsummary vacation of a portion of Burlando Road, Kernville (Copies to each Supervisor, CAO, Planning and County Counsel)
- M) Letter from Craig N. Braun, Borton, Petrini & Conron, LLP, re notice of appeal to process final Tract Map 5175, all phases (Copies to each Supervisor, CAO, Engineering & Survey Services and County Counsel)
- N) Seven (7) letters in opposition to levying of charges for use of Frazier Park Community Center and Senior Room (Copies to each Supervisor, CAO, Parks and County Counsel)
- O) Three (3) e-mail messages in opposition to closure of the Bull Run/Whiskey Flat Trail at the end of Burlando Road, Kernville (Copies to each Supervisor, CAO, Planning and County Counsel)
- P) Notices from Department of Alcoholic Beverage Control for applications for alcoholic beverage licenses: Players Family Billiards, 3405 - 90th Street W., Rosamond; Acosta Campana, 150 S. Main Street, Buttonwillow; Regent Cocktail Lounge, 2814 Niles Street, Bakersfield; Quality Market, 9701 Main Street, Lamont; El Des Canso, 12700 Main Street, Lamont; Horse Thief County Club, 28950 Horse Thief Drive, Tehachapi; and Valley Acres Market, 27530 Taft Highway No. 119, Taft (Copies to each Supervisor, CAO and Planning)
- Q) News release from the U.S. Forest Service re extension of time for public to comment on proposed roadless rule (Copies to each Supervisor, CAO, Planning and County Counsel)
- 26) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Stephen M. Dake, Borton, Petrini & Conron, LLP, re notice of appeal re Tentative Tract 5175 - REFERRED TO ENGINEERING & SURVEY SERVICES (Copies to each Supervisor, CAO and County Counsel)
- B) Letter from Margaret L. England re endocrinologist staff at Kern Medical Center - REFERRED TO KERN MEDICAL CENTER (Copies to each Supervisor and CAO)
- 27) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Sylvia Calzada, individually, Jorge Garcia, individually, Daniela Cruz, a minor by and through her Guardian ad Litem, Sylvia Calzada vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- B) Claim in the matter of Phillip Dwayne Johnson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Ronald and Abbiegail Henry and minors Thomas Napier, Ronald Napier, Aubrey Lynn Napier, Abbiegail Kathleen Napier and Mona Marie Napier vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Nadene Langston vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Sylvia Calzada, individually, Jorge Garcia, individually, Sylvia Calzada as successor-in-interest to Eduardo Calzada, a decedent vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Sergio Infante vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Illegible claim vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)