

**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, September 28, 2004

9:00 A.M.

BOARD RECONVENED

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

NOTE: SUPERVISOR MCQUISTON WAS ABSENT TO ATTEND MEETINGS  
IN WASHINGTON, D.C. ON BASE RETENTION AND CLOSURE

SALUTE TO FLAG - Led by Supervisor Watson

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 October 2004 as Kern County  
Aerospace Month - PROCLAIMED; MADE PRESENTATION TO PATRICIA  
FARRIS; PATRICIA FARRIS HEARD

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

- 2) Proclamation proclaiming October 2004 as Paint the Town  
Pink Month in Kern County - PROCLAIMED; MADE PRESENTATION  
TO JENNIFER HENRY, PRESIDENT, LINK TO LIFE; JENNIFER HENRY  
HEARD; SHARON WOODS AND DARLENE PHILLIPS INTRODUCED

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

PUBLIC PRESENTATIONS

- 3) 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!** - GILBERT TARR HEARD REGARDING CODE COMPLIANCE ISSUES AND DISCLOSURE OF ITEMS ON HIS PROPERTY TAX BILL; SUPERVISOR WATSON RESPONDED AND WILL WORK WITH MR. TARR REGARDING THESE ISSUES

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- \*5) Proposed approval of Area Plan Year End Report for Fiscal Year 2003-2004 (Fiscal Impact: None; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED DIRECTOR TO SIGN RELATED DOCUMENTS  
**Watson-Maben: 4 Ayes; 1 Absent - McQuiston**
- \*6) Proposed Agreement with Experience Works to allow Department to be a work site for Title V Seniors (Fiscal Impact: None; Non-Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 857-2004; AUTHORIZED DIRECTOR TO SIGN AS HOST AGENCY REPRESENTATIVE  
**Watson-Maben: 4 Ayes; 1 Absent - McQuiston**
- \*7) Proposed retroactive Agreement with College Community Services for a Senior Adult Outreach Program (SOAR) in Kern River Valley, in an amount not to exceed \$34,000, from July 1, 2004 through June 30, 2005 (prior notification June 22, 2004) (Fiscal Impact: \$34,000; Non-Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 858-2004  
**Watson-Maben: 4 Ayes; 1 Absent - McQuiston**

AUDITOR-CONTROLLER-COUNTY CLERK

- \*8) Request to employ retired County employee James Webdell, Office Services Assistant, Step D, Range 42.8, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment - APPROVED

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

- \*9) Proposed Resolution approving filing of a grant application authorizing the Auditor-Controller-County Clerk to complete application for Help America Vote Act of 2002 (HAVA) funds in the amount of \$300,000, and authorizing Auditor-Controller-County Clerk to execute necessary documents - APPROVED; ADOPTED RESOLUTION 2004-336; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO SIGN AND SUBMIT

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

CLERK OF THE BOARD

- \*10) Amended Conflict of Interest Codes for Kern County Community and Economic Development Department, Kern County Parks and Recreation Department, Kern County Children and Families Commission and Lost Hills Utility District (No Fiscal Impact) - APPROVED

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

COUNTY COUNSEL

- \*11) Resolution authorizing the issuance and sale of bonds of the Southern Kern Unified School District, Election of 2002, Series 2004 in the aggregate principal amount not to exceed \$3,500,000 (No Fiscal Impact) - ADOPTED RESOLUTION 2004-337

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

DISTRICT ATTORNEY

- \*12) Proposed retroactive Agreement with the Bakersfield City School District for District Attorney Services, in the amount of \$100,000, from August 25, 2004 through July 1, 2005 (Revenue to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 859-2004

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

- \*13) Proposed retroactive Agreement with the Kern High School District for Truancy Reduction Services, in the amount of \$122,923, from August 15, 2004 through August 14, 2005 (Revenue to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 860-2004

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

EMPLOYERS' TRAINING RESOURCE

- \*14) Proposed retroactive Agreement with Goodwill Industries of South Central California to provide employment and training services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$94,375 (prior notification June 29, 2004) (Fiscal Impact: \$94,375; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 861-2004

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

- \*15) Proposed retroactive Agreement with the State of California Employment Development Department to provide employment and training services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$85,142 (prior notification June 29, 2004) (Fiscal Impact: \$85,142; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 862-2004

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

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 15A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE ON SEPTEMBER 23, 2004 FIRE DEPARTMENT STAFF LEARNED OF THE POTENTIAL OPPORTUNITY FOR PURCHASING HELICOPTERS FROM THE UNITED STATES ARMY. THIS IS A ONE TIME OPPORTUNITY AND THE COST BENEFIT OF THIS REQUEST IF APPROVED IS SIGNIFICANT AND WARRANTS IMMEDIATE ACTION

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

FIRE DEPARTMENT

- 15A) Request for authorization to purchase AH-1 Cobra Helicopters from United States Army Aviation Logistics Facility, Fort Drum, New York (Fiscal Impact: \$100,000; Not Budgeted; Not Mandated)- GILBERT TARR HEARD; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE FROM THE HELICOPTER TRUST FUND TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$100,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2415; AUTHORIZED FIRE DEPARTMENT TO PURCHASE UP TO SIX (6) AH-1 COBRA HELICOPTERS FROM THE UNITED STATES ARMY LOGISTICS FACILITY IN FORT DRUM, NEW YORK, IN AN AMOUNT NOT TO EXCEED \$100,000; AUTHORIZED FIRE CHIEF TO SIGN ANY NECESSARY DOCUMENTS

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

HUMAN SERVICES

- \*16) Request to employ retired County employee Sarah Angelo, Office Services Assistant, Range 42.8, 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: \$12,564; State/Federal; Not Budgeted; Mandated) - APPROVED

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

- \*17) Request approval of expenditure of funds for employee development and recognition activities from October 2004 to October 2005 in an amount not to exceed \$15,000 (Fiscal Impact: \$15,000; \$14,250 State/Federal; \$750 County cost; Budgeted; Non-mandated) - APPROVED

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

- \*18) Proposed Agreement with Kern County Superintendent of Schools, Community Connection for Child Care, Inc., (CCCC), for provisional Stage I CalWorks Child Care Services, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$12,260,119 (Fiscal Impact: \$12,260,119 State/Federal; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 863-2004

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

- \*19) Proposed approval of Kern County's Initial System Improvement Plan, as required by the Child Welfare System Improvement Act of 2001, for submission to the California Department of Social Services (Fiscal Impact: None) - APPROVED

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

- \*20) Request to submit proposal to the California Department of Social Services to implement "Food Stamp Program Restaurant Meals for the Homeless, Elderly, and Disabled" (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF INTENT; AUTHORIZED DEPARTMENT OF HUMAN SERVICES TO SUBMIT PROPOSAL TO THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES; APPROVED BOILERPLATE COOPERATIVE AGREEMENT FOR PARTICIPATING RESTAURANTS; AND ADOPTED RESOLUTION 2004-338 AUTHORIZING THE DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO ENTER INTO THE COOPERATIVE AGREEMENT SUBJECT TO APPROVAL AS TO FORM BY COUNTY COUNSEL

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

KERN MEDICAL CENTER

- \*21) Proposed approval of McKesson Contract Supplement to Kern County Agreement 276-99, for services to implement the integration between Horizon Physician Portal and the Softmed Charscript Software system, in an amount not to exceed \$15,000 (continued from September 13, 2004) - CONTINUED TO MONDAY, OCTOBER 11, 2004 AT 2:00 P.M.

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

- \*22) Proposed deletion of one (1) full-time Hospital Business Office Manager position effective October 17, 2004 (Fiscal Impact: \$117,790 savings to KMC Enterprise Fund) - APPROVED

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

- \*23) Proposed addition of one (1) Clinical Coordinator; one (1) Accountant I/II/III; one (1) Office Services Technician; one (1) Medical Support Supervisor; three (3) Fiscal Support Specialists; and two (2) Medical Support Specialists positions; and deletion of one (1) vacant Fiscal Support Assistant position, effective September 28, 2004 (Fiscal Impact: \$519,042; KMC Enterprise Fund; Budgeted; Non-Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

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

- \*24) Notification of retroactive Amendment No. 2 to Agreement 220-2003 with Matthew M. Malerich, M.D., Inc., an independent contractor, for orthopedic surgery services (Fiscal Impact: None) - RECEIVED AND FILED

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

- \*25) Notification of retroactive Amendment No. 6 to Hospital and Other Facility Services Agreement with Kern Health Systems (Fiscal Impact: None) - RECEIVED AND FILED

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

- \*26) Notification of retroactive Agreement for Professional Services with Datalink Corporation for software support, software upgrades, and technical support of KMC's Legato software-based enterprise-wide tape back-up system (Fiscal Impact: None) - RECEIVED AND FILED

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

- \*27) Proposed Agreement with Clinica Sierra Vista, an independent contractor, for nutritional assessments/interventions to Comprehensive Perinatal Services Program participants, from October 1, 2004 through September 30, 2006, in an amount not to exceed \$202,268 (Fiscal Impact: \$202,268; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 864-2004

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

- \*28) Proposed Agreement with Kurt R. Finberg, M.D., a contract employee, for obstetric and gynecology services, from October 1, 2004 through September 30, 2006, in an amount not to exceed \$100,000 (Fiscal Impact: \$100,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 865-2004

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

- \*29) Proposed Agreement with Deng Fa Fong, M.D., a contract employee, for obstetric and gynecology services, from October 1, 2004 through September 30, 2006, in an amount not to exceed \$248,901 (Fiscal Impact: \$248,901; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 866-2004

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

- \*30) Proposed retroactive Agreement with DTSI West, LLC, an independent contractor, for extracorporeal shockwave lithotripsy services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$75,000 (prior notification July 12, 2004) (Fiscal Impact: \$75,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 867-2004

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

- \*31) Proposed Agreement with Veena R. Doddakashi, M.D., a contract employee, for psychiatry services, from November 1, 2004 through October 31, 2009, in an amount not to exceed \$975,000 (Fiscal Impact: \$975,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 868-2004

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

MENTAL HEALTH SERVICES

- \*32) Proposed Amendment No. 2 to Agreement 336-2003 with Nankil Enterprises, Inc., dba Lakeside Board and Care, for Board and Care housing services for dually diagnosed homeless adults in the Bakersfield area, to extend the term from October 1, 2004 through December 31, 2004 with no increase in compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 869-2004

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

- \*33) Proposed Amendment No. 4 to Agreement 337-2003 with Nankil Enterprises, Inc., dba Union Villa, for Board and Care housing services for dually diagnosed homeless adults in the Bakersfield area, to extend the term from October 1, 2004 through December 31, 2004, and increase compensation from \$76,250, to an amount not to exceed \$90,000 (an increase of \$13,750) (Fiscal Impact: \$13,750; Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 870-2004

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

- \*34) Proposed Amendment No. 2 to Agreement 562-2003 with Catholic Charities, Diocese of Fresno, to extend the contract term from September 30, 2004 through November 30, 2004, and increase compensation from \$216,592 to an amount not to exceed \$263,296 (an increase of \$46,704) (Fiscal Impact: \$46,704; State, Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 871-2004

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

- \*35) Proposed Amendment No. 3 to Agreement 706-2003 with Nankil Enterprises, Inc., dba Vista Gardens, for Room and Board housing services for dually diagnosed homeless adults in the Bakersfield area, to extend the term from September 30, 2004 through December 31, 2004 with no increase in compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 872-2004

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

- \*36) Proposed Agreement with College Community Services, Inc., for a full continuum of specialty mental health and CalWORKS services for adult clients residing in the communities of California City, Rosamond, and Tehachapi, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$1,013,592 (Fiscal Impact: \$1,013,592; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 873-2004

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

- \*37) Proposed Agreement with College Community Services, Inc., for a full continuum of specialty mental health and CalWORKS services for adult clients residing in the Ridgecrest area, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$475,305 (Fiscal Impact: \$475,305; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 874-2004

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

- \*38) Proposed Agreement with College Community Services, Inc., for substance abuse treatment services for adults in the California City, Rosamond and Tehachapi areas, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$270,513 (Fiscal Impact: \$270,513; Drug Medi-Cal, State, Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 875-2004

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

- \*39) Proposed Agreement with College Community Services, Inc., for substance abuse treatment services for adults in the Ridgecrest area, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$179,681 (Fiscal Impact: \$179,681; Drug Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 876-2004

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

- \*40) Proposed Agreement with College Community Services, Inc., for mental health services to children and adolescents in the Ridgecrest, North Desert areas, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$627,528 (Fiscal Impact: \$627,528; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 877-2004

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

- \*41) Proposed Agreement with College Community Services, Inc., for mental health services to children and adolescents in the Lake Isabella area, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$582,539 (Fiscal Impact: \$582,539; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 878-2004

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



- \*42) Proposed Agreement with College Community Services, Inc., for mental health services to children and adolescents in the Tehachapi, Rosamond, California City, Mojave and Boron areas, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$1,899,633 (Fiscal Impact: \$1,899,633 Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 879-2004

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

- \*43) Proposed Agreement with College Community Services, Inc., for a full continuum of specialty mental health and CalWORKS services for adult clients residing in the Lake Isabella area, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$481,835 (Fiscal Impact: \$481,835; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 880-2004

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

- \*44) Proposed Agreement with College Community Services, Inc., for substance abuse treatment services for adults in the Lake Isabella area, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$202,543 (Fiscal Impact: \$202,543; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 881-2004

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

- \*45) Proposed Agreement with Turning Point of Central California, Inc., dba Kennemer Center, for detoxification and specialty transitional housing services for County substance abuse clients while under treatment in the Bakersfield area, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$31,250 (Fiscal Impact: \$31,250; Grant (AB-2034); Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 882-2004

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

- \*46) Proposed Agreement with Turning Point of Central California, Inc., for mental health services for adults who have been recently incarcerated and received treatment while in the County jail, from October 1, 2004 through June 30, 2005, in an amount not to exceed \$337,499 (Fiscal Impact: Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 883-2004

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

PROBATION

- \*47) Request to hire retired County employee Sarah Schreiber-Webb, Office Services Assistant, Range 42.8, Step C, 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: \$11,214; Budgeted; Non-mandated) - APPROVED

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

PUBLIC HEALTH SERVICES

- \*48) Proposed Amendment No. 1 to Agreement 486-2004 with Interim Health Care, Assisted Care Division for AIDS Nursing Case Management Program, to increase the amount payable by \$11,160 to an amount not to exceed \$14,660, and extend the term to June 30, 2005 (Fiscal Impact: \$11,160; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 884-2004

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

- \*49) Proposed Agreement with Community Action Partnership of Kern for Child Education and Development Interagency Services (No Fiscal Impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 885-2004

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

- \*50) Proposed Agreement with Community Action Partnership of Kern for Women, Infants and Children Interagency Services (No Fiscal Impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 886-2004

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

- \*51) Proposed retroactive Agreement with State Department of Health Services for Ryan White Care Act Title II Program, in an amount not to exceed \$752,346, from April 1, 2004 through March 31, 2007 (prior notification March 16, 2004) (Fiscal Impact: \$752,346; Federal Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 887-2004 AND RELATED DOCUMENTS SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

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

- \*52) Notification of anticipated retroactive Agreement with Kern County Superintendent of Schools for professional services by the Child Care Health Consultancy Program - RECEIVED AND FILED

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

- \*53) Notification of anticipated retroactive Agreements for Medi-Cal Administrative Activities with Clinica Sierra Vista and Friends of Mercy Foundation - RECEIVED AND FILED

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

SHERIFF

- \*54) Proposed retroactive Agreement with Greenfield School District for Law Enforcement Services, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$90,857 (Fiscal Impact: \$90,857; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 888-2004

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

- \*55) Proposed retroactive Agreement with Greenfield School District for Truancy Prevention Services from September 1, 2004 through June 30, 2005, in an amount not to exceed \$52,053 (Fiscal Impact: \$52,053; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 889-2004

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

ADJOURNED TO CLOSED SESSION

**Maben**

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

56) Request for Closed Session regarding Meet and Confer, KCPA

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(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.

**Maben-Watson**

/s/ Denise Pennell  
Clerk of the Board

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

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, September 28, 2004

2:00 P.M.

#### BOARD RECONVENED

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

NOTE: SUPERVISOR MCQUISTON IS ATTENDING MEETINGS IN WASHINGTON, D.C., REGARDING MILITARY BASE RETENTION AND CLOSURE

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 REQUESTS

- 1) Request from Kern County Water Agency to address the Board regarding the Agency's position on biosolids - JAMES BECK, ASSISTANT GENERAL MANAGER, KERN COUNTY WATER AGENCY, MADE PRESENTATION; RICK IGER AND DAVID BAUMSTARK INTRODUCED; DENNIS FOX AND SHANE MAGAEN HEARD; RECEIVED AND FILED DOCUMENT

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

#### 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! - NO ONE HEARD

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 ANNOUNCED THERE IS AN AIR QUALITY SYMPOSIUM BEING HELD IN BAKERSFIELD ON SEPTEMBER 29 AND 30 AT THE HOLIDAY INN SELECT AND THE PUBLIC IS ENCOURAGED TO ATTEND.

REFERRED TO RESOURCE MANAGEMENT AGENCY AND ENVIRONMENTAL HEALTH SERVICES TO MEET WITH MR. JOHNSTON OF JOHNSTON FARMS REGARDING EXCESSIVE FEE INCREASES THROUGH THE CAL-ARP PROGRAM THREE PER HIS LETTER OF SEPTEMBER 8, 2004

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

CONTINUED HEARING

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*4) **Request from Oglebay Norton Industrial Sands, Inc., by Steve Herron to change the permitted uses from agriculture to industrial on 39 acres located at 9952 Enos Lane, south of Shafter (SD #1)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.1 and 8.4 to Map Code(s) 7.3 or a more restrictive map code designation (GPA #14, Map #79)
- (b) A change in zone classification from A to M-3 PD or a more restrictive district (ZCC #36, Map #79)

(Negative Declaration; Published Shafter Press) (from 9/7/2004) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-339 AND ENACTED ORDINANCE G-7141 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED

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

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*5) **Request from Jay and Dianne Eshbach to change the permitted uses from open space to light industrial and the development of a 9,800-square-foot building for warehousing and light machining on 2.29 acres located at the northeast corner of Rosamond Boulevard and 73rd Street West, Willow Springs area (SD #2)**

Specific Request:

- (a) A change in zone classification from OS to M-1 PD or a more restrictive district (ZCC #7, Map #231-16)  
(b) A Precise Development Plan for a 9,800-square-foot building for warehousing and light machining in an M-1 PD District (PD Plan #5, Map #231-16)

(Negative Declaration; Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION; ADOPTED RESOLUTIONS 2004-340 AND 2004-341 AND ENACTED ORDINANCE G-7142 APPROVING ZONE CHANGE AS REQUESTED AND APPROVING PRECISE DEVELOPMENT PLAN SUBJECT TO CONDITIONS

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

- \*6) **Request from Terry Houchin by Delmarter and Deifel to change the permitted uses from five-acre residential to light industrial on 2-1/2 acres located on the south side of Meany Avenue, 1/8 mile west of Patton Way, Rosedale area (SD #3)**

Specific Request:

A change in zone classification from E (5) RS to M-1 or a more restrictive district (ZCC #77, Map #102-21)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-342 AND ENACTED ORDINANCE G-7143 APPROVING ZONE CHANGE AS REQUESTED

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

- \*7) **Request from Workman Brothers Development Company, Inc., by McIntosh and Associates to change the permitted uses from limited agriculture to 1/2-acre residential on 19.55 acres located on the south side of Hageman Road, between Renfro Road and Rudd Avenue, Bakersfield (SD #4)**

Specific Request:

A change in zone classification from A-1 (Limited Agriculture) to E (1/2) (Estate - 1/2 acre) or a more restrictive district (ZCC #140, Map #101)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-343 AND ENACTED ORDINANCE G-7144 APPROVING ZONE CHANGE TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

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

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

S.D.'s #1 & #3

- \*8) Proposed Notice of Nonrenewal Petition No. 04-20 by Bidart Brothers for approximately 275 acres within Agricultural Preserve No. 14 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

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

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #1

- \*9) Proposed Agreement with County of Kern, County of San Bernardino, and Rand Communities Water District to provide Kern County Community Development Block Grant Funds for Rand Water Tank Replacement, Activity No. 27.02.1, in an amount not to exceed \$71,194 (Fiscal Impact: \$71,194; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 890-2004

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

- \*10) Proposed Amendment No. 1 to Agreement 367-2003 with Kern River Valley Youth Center, Inc. (KRVYC) to include additional items of construction work in KRVYC's Facility Improvement and Addition project, a decrease of \$2,000, for a new total of \$130,280 (Fiscal Impact: \$130,280; General Fund Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 891-2004

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

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- \*11) Proposed Contract No. 03018, with Hobbs Construction, Inc., for construction of a water tank replacement for Rand Communities Water District, in an amount not to exceed \$114,049 (Fiscal Impact: \$114,049; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 892-2004

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

S.D. #4

- \*12) Request for release of Monument Security, Tract 6035, south side of Hageman Road, western Rosedale, The Lusich Company for G.S.J.B. Development, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$4,210 TO SUBDIVIDER, G.S.J.B. DEVELOPMENT, INC.

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

- \*13) Request for release of Monument Security, Tract 6122, northeast corner of Palm Avenue and Rudd Avenue, The Lusich Company for Delfino Bakersfield, LLC (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY BOND NO. 566049S, UNDERWRITTEN BY DEVELOPERS SURETY AND INDEMNITY COMPANY, IN THE AMOUNT OF \$7,100

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

All S.D.'s

- \*14) Annual Recertification in the Community Rating System (CRS) Program of the National Flood Insurance Program (NFIP) (Fiscal Impact: None) - AUTHORIZED CHAIRMAN TO SIGN

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

- \*15) Request for authorization for Purchasing Agent to issue purchase order in an amount not to exceed \$30,000 to Environmental Systems Research Institute (ESRI) for GIS software and maintenance pursuant to terms and conditions of ESRI License Agreement (Fiscal Impact: \$30,000; Budgeted; General Fund) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE NECESSARY PURCHASE ORDERS FOR PURCHASE OF ESRI SOFTWARE AND LICENSE AGREEMENTS

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

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #1

- \*16) Contract No. 04010, Plans, Specifications and Notice to Contractors for the Lake Isabella Boulevard Landscape Improvement project (Fiscal Impact: \$749,000; Budgeted; Federal Grant; Not Mandated) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT, PER SECTIONS 15301 AND 15304 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 27, 2004, 11:00 A.M.

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

- \*17) Proposed no stopping zone on Allen Road (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

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

- \*18) Proposed no stopping zone on Norris Road and Quail Creek Road (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

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

- \*19) Proposed no stopping zone on Snow Road (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

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



S.D. #2

- \*20) Proposed Contract No. 04026 with Safety Striping Service, Inc., for removal of traffic striping on Westwood Boulevard-Golden Hills Boulevard to Woodford-Tehachapi Road, in an amount not to exceed \$21,450 (Fiscal Impact: \$21,450; Road Fund; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 893-2004

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

S.D. #4

- \*21) Proposed posting of speed limit on Dennis McCarthy Drive (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

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

- \*22) Proposed posting of speed limit on Wheeler Ridge Road (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

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

- \*23) Proposed Quitclaim Deed and Subdivision Improvements Performance Bond from Delfino Bakersfield, LLC, and escrow instructions to purchase approximately 5.62 acres of property for improvement of the West Beltway at Rosedale Highway in the amount of \$764,817 plus escrow charges (Fiscal Impact: \$764,817 plus escrow charges; Road Fund; Not Budgeted; Not Mandated) - APPROVED; ACCEPTED QUITCLAIM DEED AND PERFORMANCE BOND; AUTHORIZED CHAIRMAN TO SIGN ESCROW INSTRUCTIONS

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

S.D. #5

- \*24) Proposed Resolution to accept portions of Offers of Dedication along the east side of Weedpatch Highway between Mountain View Road and Collison Street, declaration as public highway and incorporation into the County road system as a portion of Weedpatch Highway (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-344; DIRECTED CLERK OF THE BOARD TO RECORD

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

S.D.'s #3 & #5

- \*25) Proposed construction of curbs and gutters, sidewalks and wheelchair ramps on Pioneer Drive; proposed plan layout and right-of-way plan (Fiscal Impact: \$550,000; State Grant; Budgeted; Not Mandated) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT, PER SECTION 15301 OF THE STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PROPOSED PLAN LAYOUT AND RIGHT-OF-WAY PLAN; REFERRED POSSIBLE ACQUISITION OF TITLE FOR ASSESSOR'S PARCEL NO. 145-040-09 TO COUNTY COUNSEL; DIRECTED ROADS TO PROCEED WITH PROJECT AND ACQUIRE ANY NECESSARY RIGHT-OF-WAY FOR CONSTRUCTION

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

WASTE MANAGEMENT

Hearing

All S.D.'s

- 26) Public Hearing to consider the Annual Review of Garbage Franchises report; establishing the 2005 schedule of Refuse Service Rates, effective January 1, 2005; and establishing a voluntary curbside recycling program with an annual fee of \$80, effective October 1, 2004 (Fiscal Impact: None) - OPENED HEARING; LORRAINE UNGER, KERN KAWEAH CHAPTER OF THE SIERRA CLUB, AND ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2004-345

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

S.D. #3

- \*27) Request for exemption from Land Use Fees by Barcelona Housing Partners for vacant and uninhabitable property (The Village at East Hills Apartments) for Fiscal Years 2002-2003, 2003-2004 and 2004-2005 (Fiscal Impact: \$39,112.80 decrease; Solid Waste Enterprise Fund; Not Budgeted) - APPROVED

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

S.D. #4

- \*28) Proposed Lease Agreement with Mountainside Disposal for use of a roll-off truck at the Lebec Transfer Station from September 28, 2004 through September 28, 2014, for an annual amount not to exceed \$12 (Fiscal Impact: \$12; Solid Waste Enterprise Fund; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 894-2004

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

- \*29) Proposed Lease Agreement with Mountainside Disposal for continued use of compaction equipment at the Lebec Transfer Station, for an annual amount not to exceed \$12 (Fiscal Impact: \$12; Solid Waste Enterprise Fund; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 895-2004

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

All S.D.'s

- \*30) Proposed Agreement with Three Girls and a Shovel, LLC, to provide archaeological consulting services from September 28, 2004 through September 28, 2007, in an amount not to exceed \$75,000 (Fiscal Impact: \$75,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 896-2004

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

- \*31) Six month report concerning the Call-To-Schedule Bulky Waste Collection Program (Fiscal Impact: None) - RECEIVED AND FILED

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

- \*32) Request to employ retired County employee, Fred Payne, as an Engineer III, 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, retroactive to September 7, 2004 (Fiscal Impact: \$31,473; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED

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

COUNTY ADMINISTRATIVE OFFICE

- \*33) Proposed Agreement with Edwards Community Alliance for military base retention efforts for Fiscal Year 2004-2005, in the amount of \$35,000 (Fiscal Impact: \$35,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 897-2004

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

- \*34) Proposed Agreement with Greater Bakersfield Vision 2020, Inc., for Fiscal Year 2004-2005 to implement the Bakersfield brand, in the amount of \$25,000 (Fiscal Impact: \$25,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 898-2004

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

- \*35) Proposed Agreement with Arts Council of Kern for Fiscal Year 2004-2005 for the purpose of encouraging, promoting, supporting, and publicizing the arts in the County, in the amount of \$215,000 (Fiscal Impact: \$215,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 899-2004

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

- \*36) Proposed Agreement with Court Appointed Special Advocates of Kern for Fiscal Year 2004-2005 for advocate training, in the amount of \$60,000 (Fiscal Impact: \$60,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 900-2004

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

- \*37) Proposed transfer of funds for participation in the State Emergency Services Supplemental Payments Program (Fiscal Impact: \$21,000,000; General Fund; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$21,000,000 TO APPROPRIATIONS FOR CONTINGENCIES (GENERAL FUND); APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO CONTRIBUTIONS TO MEDICAL CARE BUDGET UNIT 4204 IN THE AMOUNT OF \$21,000,000; APPROVED PAYMENT FROM CONTRIBUTIONS TO MEDICAL CARE BUDGET UNIT 4204 TO STATE DEPARTMENT OF HEALTH SERVICES EMERGENCY SERVICES AND SUPPLEMENTAL PAYMENTS FUND IN AN AMOUNT NOT TO EXCEED \$21,000,000

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

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

Hearing

All S.D.'s

- \*38) Proposed Resolution and Ordinance granting a cable television franchise to Coxcom, Inc., for continued operation in the unincorporated areas around Bakersfield, expiring September 30, 2019 (Fiscal Impact: \$61,400 Revenue; Unbudgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-346 AND ENACTED ORDINANCE F-475; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE

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

S.D. #1

- \*39) Request to set hearing for granting of pipeline franchise to Berry Petroleum Company (Fiscal Impact: None) - ADOPTED RESOLUTION 2004-347 SETTING HEARING FOR TUESDAY, NOVEMBER 2, 2004, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

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

S.D. #3

- \*40) Proposed License Agreement with Equilon Enterprises, d.b.a. Shell Oil Products US, for continued operation of two pipelines along 7th Standard Road, from September 28, 2004 to September 28, 2024 (Fiscal Impact: \$598.64 Annual Revenue to Airport's Enterprise Fund; Unbudgeted) - 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 901-2004

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

- \*41) Proposed Amendment No. 6 to Agreement 716-98 with Odell Associates, Inc., providing for additional planning, architectural and engineering services for the new airport passenger terminal at Meadows Field, an increase of \$12,650 for a new total of \$1,801,609.95 (8215.7500) (Fiscal Impact: \$12,650; Airport Enterprise Fund and General Fund; Budgeted) - CONTINUED TO TUESDAY, OCTOBER 5, 2004, AT 2:00 P.M.

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

All S.D.'s

- \*42) Request for release of Fireman's Fund Insurance Company Bond Nos. 11127451133 and 11127451125 received from Pacific Gas and Electric Company (PG&E) for Franchise Ordinances F-44 and F-45 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RELEASE BONDS TO GENERAL SERVICES TO BE RETURNED TO PG&E UPON RECEIPT OF REPLACEMENT BONDS

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

- \*43) Proposed Agreement with Martin & HBL, a division of John A. Martin & Associates, Inc., for consultant services for structural engineering, in an amount not to exceed \$20,000 (Fiscal Impact: \$20,000; Various Budgeted Projects) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 902-2004  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**
- \*44) Proposed project list for the Job Order Contract - APPROVED  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**
- \*45) Request for approval for a Rental Agreement with Penske Truck Leasing Company (Fiscal Impact: None) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE A PURCHASE ORDER FOR THIS RENTAL AND SIMILAR RENTALS BY OTHER DEPARTMENTS  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 45A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE ON FRIDAY, SEPTEMBER 24, 2004, FAILURE OF THE SECURITY/ACCESS SYSTEM OCCURRED, WHICH CONTROLS BUILDING ACCESS AT SIX OF THE COUNTY'S METROPOLITAN BAKERSFIELD FACILITIES. AFTER-HOURS AND WEEKEND ACTIVITIES THAT WILL REQUIRE SPECIAL ARRANGEMENTS FOR BUILDING ACCESS AND POTENTIAL DELAY RESPONSES BY COUNTY STAFF MERITS THIS BOARD'S IMMEDIATE ATTENTION.

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

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

- 45A) Request to authorize the Purchasing Agent to approve a sole source contract for the replacement of the Electronic Access System for County facilities, in an amount not to exceed \$200,000 - APPROVED  
**Patrick-Watson: 4 Ayes; 1 Absent - McQuiston**

MATTERS FOR EXECUTIVE APPROVAL

- \*46) Budget Transfers - APPROVED NO. 13 THROUGH NO. 17  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**
- \*47) Minutes for week of August 30, 2004 - APPROVED  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**
- \*48) Miscellaneous Letters and Documents - APPROVED  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**
- \*49) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**
- \*50) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED  
**Maben-Patrick: 4 Ayes; 1 Absent - McQuiston**

ADJOURNED TO TUESDAY, OCTOBER 5, 2004, AT 9:00 A.M.

**Maben**

/s/ Denise Pennell  
Clerk of the Board

/s/ Pete H. Parra  
Vice 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.

48) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Audit report of the Aging and Adult Services Department for Fiscal Year 2003-2004

Clerk of the Board

- B) Letter from Wilfred A. "Hezzy" Brown re resignation from the Elderlife Adult Day Health Care Board and the Elderlife Foundation (Copies to each Supervisor and CAO)
- C) Letter from Stuart Pyle re resignation from the Water Resources Committee (Copies to each Supervisor and CAO)
- D) Received, certified and transmitted to Recorder for recordation as follows:
- 1) Tract Map 6153 S.D. #4
  - 2) Tract Map 6177 S.D. #5
  - 3) Parcel Map 11013 S.D. #1

Employers' Training Resource

- E) WIA OJT Agreements:
- 1) Continental Labor Resources, Inc., WIA Title 501, dated September 7, 2004
  - 2) Hopkins Engineering, WIA Title 501, dated September 7, 2004
  - 3) Mechanical Industries, Inc., WIA Title 201, dated September 15, 2004
- F) Modification No. 11 to Agreement R485279 with the State of California Employment Development Department to increase the funding level of the Incentive Award

Engineering & Survey Services

- G) Easement Deed from Margaret Perez and Eileen Perez, County Road No. 3889, APN 128-140-14
- H) Easement Deed from John Najera and Loretta Ann Najera, County Road No. 3889, APN 128-150-01
- I) Easement Deed from Rogelio Mallorga DeLuna, County Road No. 3889, APN 128-170-09

Environmental Health

- J) Three (3) thank you letters for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter

Grand Jury

- K) 2004-2005 final report re Larry J. Rhoades Kern Crossroads Facility (Copies to each Supervisor, CAO and Probation)

Local Agency Formation Commission

- L) Revised letter from Virginia Gennaro, City of Bakersfield, re LAFCO Proceeding No. 1391, Hosking Road No. 7, Henry Lane No. 2, Annexation No. 462 (Copies to each Supervisor and CAO)

Planning

- M) Street name change from Avtel Street to Flight Systems Drive, Mojave Airport

Miscellaneous

- N) Letter from D. E. Leach, California Highway Patrol, re hazardous materials incident report on State Route 14, 9.7 miles south of State Route 178, on Tuesday, August 17, 2004 (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- O) Letter from J. R. Odom, California Highway Patrol, re hazardous materials incident report on Interstate 5, east truck escape ramp on Monday, September 6, 2004 (Copies to each Supervisor, CAO and Fire-Haz Mat)
- P) Letter from Gorden Jones re poor air quality from activities of Lehigh Cement (Copies to each Supervisor, CAO, Air Pollution Control District and County Counsel)
- Q) Letter from Allen Ng and Bruce Wagstaff, State Department of Social Services, re County's role in reducing California's Food Stamp Program (FSP) error rate (Copies to each Supervisor, CAO and Human Services)
- R) Letter from Max H. Yuan, Federal Emergency Management Agency, re revision of Flood Insurance Rate Map, Community No. 060075, Castle & Cooke, Kern River Levee (Copies to each Supervisor, CAO and Engineering & Survey Services)
- S) Letter from Assemblywoman Nicole M. Parra supporting the Workforce Investment Act (WIA) re announced closure of the Shell Oil Refinery in Bakersfield (Copies to each Supervisor, CAO and Employers' Training Resource)
- T) Letter from William Canessa, Greater Bakersfield Separation of Grade District, re Seventh Standard Road Transportation Corridor (Copies to each Supervisor, CAO, Roads and Resource Management Agency)
- U) Letter from Michael Glaze, South Feather Water & Power Agency, re petition for temporary transfer of water/water rights Permits 1267 and 2494 (Applications 1651 and 2778) (Copies to each Supervisor, CAO and Resource Management Agency)
- V) Letter from Robert Thomason re issues associated with Kern County growth (Copies to each Supervisor, CAO, Planning, Air Pollution Control District and County Counsel)
- W) Letter from K. Andrew Stone supporting the Board's decision to keep the Whiskey Flat Trail open for public use (Copies to each Supervisor, CAO and Planning)
- X) Four (4) letters in opposition to the closure of the Bull Run/Whiskey Flat Trail (Copies to each Supervisor, CAO and Planning)



- Y) Two (2) letters in opposition to levying charges for use of Frazier Park Community Center and Senior Room (Copies to each Supervisor, CAO, Parks and County Counsel)
- Z) E-mail from Florence Dunagan in opposition to splitting taxpayer funds released to Animal Control with ALPHA Canine Sanctuary (Copies to each Supervisor, CAO and Environmental Health-Animal Control)
- 49) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
  - A) Letter from Kathleen H. Drummy, Davis Wright Tremaine, LLP, re request to reconsider appeal concerning RFP awarded to Clinica Sierra Vista - REFERRED TO COUNTY COUNSEL AND MENTAL HEALTH (Copies to each Supervisor, CAO and Purchasing)
  - B) Letter from Joel Nelson, California Citrus Mutual, re concerns resulting from potential flights into Bakersfield from Mexico - REFERRED TO AIRPORTS AND AGRICULTURAL COMMISSIONER (Copies to each Supervisor, CAO and County Counsel)
- 50) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
  - A) Claim in the matter of William Jason Brooks vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of David Young vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Arlin Resnicke vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Attachment to claim in the matter of Dixie L. Castro vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Discrimination complaint in the matter of Robert Aguayo Castro vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)