

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, September 30, 2003

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

NOTE: Supervisor McQuiston entered meeting during consent agenda.

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 November 17-22, 2003 as the 52nd Annual Shrine Potato Bowl Week in Kern County - PROCLAIMED; MADE PRESENTATION TO PETE NICHOLS, PRESIDENT, KERN COUNTY SHRINE CLUB; PETE NICHOLS HEARD AND INTRODUCED SHRINERS GENE GRICE, CHAIRMAN OF THE POTATO BOWL; PAUL OWENS; LEE OLSON; AL SMITH; AND BILL SMOOT

**Watson-McQuiston: All Ayes**

- \*2) Proclamation proclaiming October 6-10, 2003 as Lawsuit Abuse Awareness Week in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

**Patrick-Watson: All Ayes**

- \*3) Proclamation proclaiming October 3-5, 2003 as California Hot Rod Reunion Days in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

**Patrick-Watson: All Ayes**

APPOINTMENTS

- \*4) Reappointment of Helen Richards as Fourth District Member to the Commission on Aging, term to expire September 15, 2005 - MADE REAPPOINTMENT

**Patrick-Watson: 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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- \*7) Proposed Older Americans Act Title III-E National Family Caregiver Support Program Annual Update for Fiscal Year 2003-2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED AGING AND ADULT SERVICES DEPARTMENT DIRECTOR TO SIGN RELATED TRANSMITTAL DOCUMENTS

**Patrick-Watson: All Ayes**

AGRICULTURE AND MEASUREMENT STANDARDS

- \*8) Request to hire retired County employee Socorro Cervantes as Agricultural Weights & Measures Technician, Extra Help, Range 42.0, 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 - APPROVED

**Patrick-Watson: All Ayes**

BOARD OF SUPERVISORS

- \*9) Proposed letter of support requested by Second District Supervisor Don Maben for Kern County Sheriff's Department grant request for \$69,500 in Green Sticker Funds to purchase Chenoweth Genesis series high performance law enforcement off-road vehicle - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

**Patrick-Watson: All Ayes**

COUNTY COUNSEL

- \*10) Proposed Ordinance adding Subsection (154) to Section 10.16.041 of Chapter 10.16 of the Kern County Ordinance Code concerning a no stopping zone on White Lane - WAIVED READING; INTRODUCED ORDINANCE

**Patrick-Watson: All Ayes**

- \*11) Report regarding Compassionate Use Act of 1996 (Health & Safety Code section 11362.5) relating to the medical use of marijuana - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

- \*12) Request of the Assessor-Recorder Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

**Patrick-Watson: All Ayes**

- \*13) Request of the Sheriff-Coroner Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

**Patrick-Watson: All Ayes**

DISTRICT ATTORNEY

- \*14) Request for sole source blanket purchase orders with Applied Biosystems (\$80,000), The Microgenics Corporation (\$69,000), and VWR International (\$75,000) to provide goods and services for various units within the Crime Laboratory - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDERS

**Patrick-Watson: All Ayes**

- \*15) Proposed Agreement with Bakersfield City School District for District Attorney services for truancy reduction program, from October 1, 2003 to August 27, 2004, in an amount not to exceed \$85,000 -

**WITHDRAWN**

- \*16) Proposed retroactive Agreement with Central Valley Toxicology, Inc., for toxicology services, from July 1, 2003 to December 31, 2004, in an amount not to exceed \$75,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 857-2003

**Patrick-Watson: All Ayes**

EMPLOYERS' TRAINING RESOURCE

- \*17) Notification of anticipated retroactive Amendment with La Cooperativa Campesina de California for the Workforce Investment Act for the Dislocated Agriculture Worker Program - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

- \*18) Notification of anticipated retroactive Amendment with the Kern High School District for the Migrant and Seasonal Farmworker Youth Program - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

- \*19) Notification of anticipated retroactive Amendment with Proteus, Inc. for the Migrant and Seasonal Farmworker Youth Program - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

HUMAN SERVICES

- \*20) Request approval to allow up to 14 foster parents to attend California State Foster Parent Association Training Conference in Los Angeles, from October 9, 2003 through October 12, 2003, and for payment of registration and travel expenses in an amount not to exceed \$14,000 (State/Federal; no County cost) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO PAY

**Patrick-Watson: All Ayes**

- \*21) Request approval to allow local Foster Parent Association officers to attend California State Foster Parent Association Board Meetings and other foster parent training conferences as approved by Department of Human Services, in an amount not to exceed \$5,200 (State/Federal; no County cost) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO PAY

**Patrick-Watson: All Ayes**

- \*22) Proposed Agreement with Kern County Superintendent of Schools Offices' Community Connection for Child Care for CalWORKs child care services from October 1, 2003 to June 30, 2004, in an amount not to exceed the lesser of the total amount of child care funding made available by the State or \$13,711,854 (State/Federal; no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 858-2003

**Patrick-Watson: All Ayes**

- \*23) Proposed Agreement with Kern Community College District for Bakersfield College CalWORKs Student Services Program, from September 30, 2003 to June 30, 2004 (no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 859-2003

**Patrick-Watson: All Ayes**

- \*24) Proposed Agreement with Kern County Superintendent of Schools Office for promoting Safe and Stable Families program, from October 1, 2003 to June 30, 2003, in an amount not to exceed \$677,299 (State/Federal; no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 860-2003

**Patrick-Watson: All Ayes**

KERN MEDICAL CENTER

- \*25) Notification of anticipated retroactive Agreement with Donald V. Jagger, M.D., for orthopedic surgery services - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

- \*26) Notification of anticipated retroactive Agreement with Comprehensive Blood and Cancer Center for hematology and oncology services - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

- \*27) Proposed retroactive request for sole source blanket purchase order with Department of Health Services, Genetic Disease Branch, for genetic disease testing on newborns, in an amount not to exceed \$150,000 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

**Patrick-Watson: All Ayes**

- \*28) Proposed Agreement with Geoffrey M. Miller, M.D., for orthopedic services, from October 1, 2003 through September 30, 2005, in an amount not to exceed \$140,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 861-2003

**Patrick-Watson: All Ayes**

- \*29) Proposed retroactive Amendment No. 3 to Agreement 140-96 with Blue Cross of California adjusting compensation rates and extending term for MediCal Managed Care and Healthy Families Program, from August 1, 2003 to July 31, 2006 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 862-2003

**Patrick-Watson: All Ayes**

- \*30) Proposed Agreement with John P. Gruen, M.D., for neurological surgery coverage, from October 5, 2003 through October 4, 2005, in an amount not to exceed \$14,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 863-2003

**Patrick-Watson: All Ayes**

- \*31) Proposed Resolution for retroactive approval of Seventh Amendment to establish County as Plan Administrator and Restatement of Kern County Pension Plan for Physician Employees, effective January 1, 2003 (prior notification January 7, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 864-2003; ADOPTED RESOLUTION 2003-430

**Patrick-Watson: All Ayes**

- \*32) Proposed Resolution for retroactive approval of Second Amendment for County to hire investment advisor and Restatement of the Kern County Pension Plan for Physician Employees Trust Agreement, effective January 1, 2003 (prior notification January 7, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 865-2003; ADOPTED RESOLUTION 2003-431

**Patrick-Watson: All Ayes**

- \*33) Proposed Resolution and retroactive Assignment and Assumption Agreement with RBC Dain Rauscher and Kern Faculty Association, as investment advisor to the Kern County Pension Plan for Physician Employees, effective January 1, 2003 (prior notification January 7, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 866-2003; ADOPTED RESOLUTION 2003-432

**Patrick-Watson: All Ayes**

- \*34) Proposed Resolution for change in the "limitation year" from Fiscal Year to Calendar Year for Kern County Pension Plan for Physician Employees pursuant to Internal Revenue Code Section 415 - APPROVED; ADOPTED RESOLUTION 2003-433

**Patrick-Watson: All Ayes**

- \*35) Proposed Resolution for approval of "pick up" treatment for Federal income tax purposes for physician contributions to Kern County Pension Plan for Physician Employees as authorized by Internal Revenue Code Section 414(h) - REAFFIRMED AND APPROVED; ADOPTED RESOLUTION 2003-434

**Patrick-Watson: All Ayes**

PARKS AND RECREATION DEPARTMENT

- \*36) Request to accept an in-kind donation of trees valued at \$50,000 from The Tree Foundation of Kern - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

**Patrick-Watson: All Ayes**

PUBLIC HEALTH SERVICES

- \*37) Proposed retroactive Agreement with Panama-Buena Vista Union School District for Medi-Cal administrative activities, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$100,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 867-2003

**Patrick-Watson: All Ayes**

TREASURER-TAX COLLECTOR

- \*38) Independent auditor's report on investment policy compliance for year ended June 30, 2003 - RECEIVED AND FILED

**Patrick-Watson: All Ayes**

ADJOURNED TO CLOSED SESSION

**Maben**

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 39) Request for Closed Session regarding Meet and Confer, All Unions -
- 40) Request for Closed Session regarding public employee performance evaluation - Title: Kern Medical Center Chief Executive Officer -

COUNTY COUNSEL

- 41) Request for Closed Session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(C)) -
- 42) Request for Closed Session regarding a lawsuit entitled David Hernandez, a minor, etc. v. County of Kern, Kern County Superior Court Case No. 247241 (Government Code Section 54956.9(a)) -
- 43) Request for Closed Session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(A)) -

**WITHDRAWN**

(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-McQuiston**

/s/ Tracey E. Cody  
Administrative Coordinator

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

**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

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Bakersfield, California

Regular Meeting  
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2:00 P.M.

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

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

**Patrick-Watson: All Ayes**

KERN SANITATION AUTHORITY

- #1) Report and proposed Resolution authorizing an Emergency Contract for maintenance work to be done in conjunction with no cost warranty repair of the Digester No. 3 Dome pursuant to Public Contract Code Sections 20134(a) and 22050 - APPROVED; ADOPTED RESOLUTION 2003-435; RECEIVED AND FILED REPORT

**Watson-Patrick: All Ayes**

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

**Maben-Patrick: All Ayes**

PUBLIC PRESENTATIONS

- 2) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - 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 MCQUISTON REPORTED ON PARTICIPATING IN A FUND RAISING ACTIVITY FOR THE WOMEN'S SHELTER AND HABITAT FOR HUMANITY IN THE INDIAN WELLS VALLEY ON SATURDAY.

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*4) **Request from Wanda Nickell by Delmarter and Deifel to change the permitted uses from residential to industrial on 2.35 acres located at 3017 Fruitvale Avenue, Bakersfield (SD 3) Specific Request:**  
A change in zone classification from E (5) RS to M-2 PD or a more restrictive district (ZCC #75, 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 2003-436 AND ENACTED ORDINANCE G-7044 APPROVING ZONE CHANGE AS REQUESTED  
**Maben-Watson: All Ayes**
- \*5) **Request from Norman and Marlene Blackwell by Berry and Associates to cancel a 2.5-acre portion of an approximate 79-acre parcel under a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.5 acres located on the west side of Palm Avenue, approximately one-half mile south of Blankenship Avenue, west of McFarland (SD 4) Specific Request:**  
Cancellation of a 2.5-acre portion of an approximate 79-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.5 acres (Cancellation #03-5; Map #32) (General Rule, Section 15061(b)(3); Published Delano Record) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2003-437 APPROVING CANCELLATION, SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO RECORD CONTRACT AMENDING LAND USE CONTRACT; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND A CERTIFICATE OF CANCELLATION, SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION  
**Maben-Watson: All Ayes**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY  
Planning Department

Land Use

S.D. #1

- \*6) Request from Harrell Knox for Board to initiate a Rezoning and Precise Development Plan for the Glennville Shopping Center - REFERRED BACK TO STAFF

**Maben-Watson: All Ayes**

Streets and Highways

S.D. #3

- \*7) Request from Gary Lasater for a Summary Vacation of two public utility easements, south side of Holland Street, west of the Calloway Drive underpass, Rosedale area, Map No. 102-30 - ADOPTED RESOLUTION 2003-438 APPROVING VACATION AS REQUESTED

**Maben-Watson: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

S.D. #1

- \*8) Tract No. 6142, north side West Day Avenue, 520 feet east of Airport Drive, north Bakersfield, Type "A" Subdivision, DeWalt Corporation for North Country Meadows - ADOPTED RESOLUTION 2003-439 FINDING OF FACT PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE), ACKNOWLEDGMENT OF REVERSION OF TEMPORARY TURNAROUND EASEMENTS; APPROVED FINAL MAP; AUTHORIZED CLERK OF BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 868-2003; CONSENTED TO MAKING OF IRREVOCABLE OFFERS OF DEDICATION FOR (OFF-SITE) SLOPE, ROAD AND ONE-FOOT NON-ACCESS EASEMENTS; AUTHORIZED CLERK OF BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

**Maben-Watson: All Ayes**

- \*9) Precise Development Plan No. 10, Map No. 102-4, southwest corner of Seventh Standard Road and State Highway 65, approval of completed street, water and sewer improvements and proposed Resolution accepting offers of dedication of easements and declaring Industry Park Way, Spectrum Park Way and portions of Seventh Standard Road, as County Roads (County Road No. 3935), to be known as Seventh Standard Road, Industry Park Way and Spectrum Park Way, Bakersfield Spectrum, LLC - APPROVED COMPLETED STREET, WATER AND SEWER IMPROVEMENTS; ADOPTED RESOLUTION 2003-440

**Maben-Watson: All Ayes**

S.D. #2

- \*10) Tract 5195, Unit 1, south side of Orange Street between 35th Street and 40th Street West, Rosamond area, release of Faithful Performance Security for street, water and sewer one-year guarantee period, Kaufman and Broad Land Company - RELEASED THE 10% FAITHFUL PERFORMANCE BOND NOS. 11119239017 (AIC), 800756629 (AMCAS), 1111923025 (AIC), 800756632 (AMCAS), 11119239033 (AIC), 800756663 (AMCAS), 11119239009 (AIC), 800756596 (AMCAS), UNDERWRITTEN BY THE AMERICAN INSURANCE COMPANY AND AMERICAN CASUALTY INSURANCE COMPANY OF READING, PA, IN THE AMOUNT OF \$335,392

**Maben-Watson: All Ayes**

- \*11) Tract 5195, Unit 2, south side of Orange Street, west side of 35th Street West, Rosamond area, release of Faithful Performance Security for street, water and sewer one-year guarantee period, Kaufman and Broad Land Company - RELEASED THE 10% FAITHFUL PERFORMANCE BOND NOS. 700773343 (AMCAS) AND 11119238654 (AIC), UNDERWRITTEN BY AMERICAN CASUALTY INSURANCE COMPANY OF READING, PA, AND AMERICAN INSURANCE COMPANY, IN THE AMOUNT OF \$335,392

**Maben-Watson: All Ayes**

- \*12) Tract 5201, Unit B, northeast corner of 35th Street West and Holiday Avenue, Rosamond area, approval of completed street, drainage, water, and sewer improvements, reduction of Faithful Performance Security in Subdivision Improvement Agreement, and proposed Resolution for acceptance of street, drainage, water, and sewer improvements for maintenance, Barratt American, Inc. - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$580,496 TO \$58,050 FOR GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING SEPTEMBER 30, 2003; REDUCED FAITHFUL PERFORMANCE BOND NO. 11133352499, IN THE AMOUNT OF \$580,496, ISSUED BY THE AMERICAN INSURANCE COMPANY, TO \$58,050; ADOPTED RESOLUTION 2003-441 FOR ACCEPTANCE OF ROADS WITHIN TRACT 5201, UNIT B, INTO THE COUNTY ROAD SYSTEM AND ACCEPTANCE OF STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS FOR MAINTENANCE

**Maben-Watson: All Ayes**

- \*13) Tract 5201, Unit C, northeast corner of 35th Street West and Holiday Avenue, Rosamond area, approval of completed street, drainage, water, and sewer improvements, reduction of Faithful Performance Security in Subdivision Improvement Agreement, and proposed Resolution for acceptance of street, drainage, water, and sewer improvements for maintenance, Barratt American, Inc. - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY, IN THE AMOUNT OF \$1,078,159, TO \$107,816 FOR GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING SEPTEMBER 30, 2003; REDUCED FAITHFUL PERFORMANCE BOND NO. 11133431269, IN THE AMOUNT OF \$1,078,159, ISSUED BY THE AMERICAN INSURANCE COMPANY, TO \$107,816; ADOPTED RESOLUTION 2003-442 FOR ACCEPTANCE OF ROADS WITHIN TRACT 5201, UNIT C, INTO THE COUNTY ROAD SYSTEM AND ACCEPTANCE OF STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS FOR MAINTENANCE

**Maben-Watson: All Ayes**

S.D. #3

- \*14) Tract No. 5990, Phase 4, Pioneer Drive and Monica Street, east Bakersfield, Type A Subdivision, DeWalt Corporation for Stuart Thomas, Inc., a Nevada corporation, dba Lenox Homes - ADOPTED RESOLUTION 2003-443 FINDING OF FACT PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE), RESTORATION OF INGRESS AND EGRESS ACROSS LOTS "A" AND "B" IN TRACT NO. 5990, PHASE 3; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 869-2003; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

**Maben-Watson: All Ayes**

S.D. #4

- \*15) Precise Development Plan No. 18, Map No. 52-1, south side of State Highway 46, 1,900 feet west of I-5, approval of completed street improvements and proposed Resolution accepting offers of dedication of easements and declaring a portion of Powers Street as a County Road (County Road No. 3934), to be known as Powers Street, McDonald's Corporation - APPROVED COMPLETED STREET IMPROVEMENTS; ADOPTED RESOLUTION 2003-444

**Maben-Watson: All Ayes**

S.D. #5

- \*16) Purchasing Agent Contract, Final Plans, Specifications, and Notice to Contractors for the Bakersfield Senior Center kitchen flooring improvements - APPROVED; AUTHORIZED COMMUNITY AND ECONOMIC DEVELOPMENT TO PREPARE NECESSARY REQUISITION AND GENERAL SERVICES TO SOLICIT BIDS

**Maben-Watson: All Ayes**

- \*17) Contract No. 02039, Change Order No. 1 for construction of Berkshire Water System Improvements, a decrease of \$3,151.67, for a new total of \$166,847.33 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-Watson: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Environmental Health Services

All S.D.'s

- \*18) Proposed Agreement with Padre Associates, Inc., for professional geological assessment services for Oversight of Leaking Underground Storage, in an amount not to exceed \$50,000 per year - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 870-2003

**Maben-Watson: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #3

- \*19) Proposed no-stopping zone on Bedford Way - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF THE NECESSARY ORDINANCE

**Maben-Watson: All Ayes**

S.D. #5

- \*20) Proposed Resolution to adopt declared portions of Niles Street at Catalpa Way, Barlow Street, Horace Mann Avenue, Descanso Street, and Sterling Road as public highway and incorporate into County Road System - APPROVED; ADOPTED RESOLUTION 2003-445

**Maben-Watson: All Ayes**

All S.D.'s

- \*21) Proposed Resolution to adopt Disadvantaged Business Enterprise (DBE) Program and Annual DBE Goal - APPROVED; ADOPTED RESOLUTION 2003-446

**Maben-Watson: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*22) Proposed amendment to employee health plan for the use of Kern Medical Center for inpatient and outpatient medical services - APPROVED MODIFICATION TO IMPLEMENT "POINT OF SERVICE" PLAN WHERE EMPLOYEES UTILIZING KERN MEDICAL CENTER FOR INPATIENT AND OUTPATIENT SERVICES HAVE NO OUT-OF-POCKET PAYMENT; PAY KERN MEDICAL CENTER 70 PERCENT OF BILLED CHARGES FOR MEDICAL SERVICES COVERED BY PLAN AND ACCEPT PERCENTAGE OF BILLED CHARGES AS PAYMENT IN FULL

**Maben-Watson: All Ayes**

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

Hearings

S.D. #3

- \*23) Proposed Resolution and Ordinance granting pipeline franchise to Oxy USA, Inc. - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 21080.21; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-447 AND ENACTED ORDINANCE F-459

**Maben-Watson: All Ayes**

S.D. #4

- \*24) Proposed Resolution and Ordinance granting pipeline franchise to Plains Marketing, LP - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-448 AND ENACTED ORDINANCE F-460

**Maben-Watson: All Ayes**

- \*25) Proposed Resolution and Ordinance amending Franchise F-452 for Baker Petrolite Corporation - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-449 AND ENACTED ORDINANCE F-461

**Maben-Watson: All Ayes**

- \*26) Request from Brea Oil Company for repeal of Franchise Ordinances F-341, F-366 and F-384 - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-450 AND ENACTED ORDINANCE F-462 REPEALING FRANCHISES; AUTHORIZED TREASURER-TAX COLLECTOR TO RELEASE FIRST INTERSTATE BANK CERTIFICATE OF DEPOSIT NO. 464701

**Maben-Watson: All Ayes**

- \*27) Request to set hearing for granting of pipeline franchise to Dole Enterprises - ADOPTED RESOLUTION 2003-451 SETTING HEARING FOR TUESDAY, NOVEMBER 4, 2003, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

**Maben-Watson: All Ayes**

S.D. #5

- \*28) Request for subcontractor substitution for Superior Court Service Room HVAC Upgrades (9410.7000B) -

**WITHDRAWN**

- \*29) Request for subcontractor substitution for Superior Court Service Room HVAC Upgrades (9410.7000B) -

**WITHDRAWN**

- \*30) Request for subcontractor substitution for Superior Court Service Room HVAC Upgrades (9410.7000B) - FOUND THAT DARRELL DAHMS ELECTRIC FAILED TO EXECUTE A WRITTEN CONTRACT WITH MARELICH MECHANICAL COMPANY, INC.; APPROVED SUBSTITUTION OF PERFORMANCE ELECTRIC TO COMPLETE THE ELECTRICAL PORTION OF THE PROJECT

**Maben-Watson: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- \*31) Budget Transfers - APPROVED NO. 23 THROUGH NO. 28

**Maben-Watson: All Ayes**

- \*32) Minutes for week of September 1, 2003 - APPROVED

**Maben-Watson: All Ayes**

- \*33) Miscellaneous Letters and Documents - FILED

**Maben-Watson: All Ayes**

- \*34) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Maben-Watson: All Ayes**

ADJOURNED TO TUESDAY, OCTOBER 7, 2003, AT 9:00 A.M.

**Patrick-**

/s/ Tracey E. Cody  
Administrative Coordinator

/s/ Pete H. Parra  
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.



33) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Engineering & Survey Services

- A) Certificate of Acceptance for Masonry Wall Easement from Stuart Thomas, Inc., a Nevada Corporation, doing business as Lenox Homes, Lot 30, Tract Map No. 5910, Phase 1

Fire

- B) 2003 Operating Plan, Kern County Fire Department and Ventura County Fire Department

Miscellaneous

- C) Letter from Brett Pynnonen, Covansys, re final version of the CAREERS program (Copies to each Supervisor and CAO)
- D) Letter from D. E. Leach, California Highway Patrol, re Hazardous Materials Incident Report on Friday, September 19, 2003, at State Route 14, north of milepost marker 25 (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- E) Five (5) letters in opposition to Palvinder Singh's proposal re Tentative Parcel Map 10871, Shafter Road (Copies to each Supervisor, CAO, Planning and County Counsel)
- F) Memorandum from Citizens Advisory Committee (CAC) re attendance record for meeting on Tuesday, September 2, 2003 (Copies to each Supervisor, CAO and Clerk of the Board)
- G) Notice from Alcoholic Beverage Control re applications for Alcoholic Beverage Licenses: Anthony's Food Market, 3200 North Chester Avenue, Bakersfield; Voyager Restaurant & Mile High Club, 1434 Flightline Building 58, Suite 11, Mojave; Ramirez Rochio Guadalupe, 557 Wainright Court, Lebec (Copies to each Supervisor, CAO and Planning)
- 34) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Amended claim in the matter of Manuel Alcala Farias and Rosa Alcala vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Subrogation claim in the matter of Gerry Salum by Geico Direct vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)