



**MINUTES OF THE JOINT MEETING
FOR
SEPTEMBER 19, 2005
KERN COUNTY BOARD OF SUPERVISORS
AND
BAKERSFIELD CITY COUNCIL**



Board of Supervisors Chambers
1115 Truxtun Avenue
Special Meeting - 5:30 p.m.

1. **FLAG SALUTE** – Led by Councilmember Irma Carson

2. **ROLL CALL**
Bakersfield City Council

Present: Mayor Hall, Carson, Benham, Couch, Hanson, Sullivan, Scrivner
Absent: Vice Mayor Maggard

Kern County Board of Supervisors

Present: McQuiston, Maben, Patrick, Watson, Rubio
Absent: None

3. **OPENING REMARKS BY CHAIRMAN RAY WATSON**

4. **OPENING REMARKS BY MAYOR HARVEY L. HALL**

5. **PUBLIC STATEMENTS** – Persons may address the governing bodies during this portion of the meeting on any matter not on this agenda but under the jurisdiction of the Board of Supervisors or City Council. The Chairman, at his discretion, may limit the total time allotted to this portion of the meeting to assure that all agenda items can be completed. **Statements are limited to 2 minutes per speaker. Please state and spell your name for the record.**

Kern County Fire Chief and Director of Emergency Services Dennis Thompson provided a resource list of services for Hurricane Katrina evacuees who have come to Kern County on their own accord or through sponsorship from any organization (filed report).

Marilyn Stewart discussed staffing issues at the Kern County Animal Shelter and the lack of dog vaccines since August.

6. **BUSINESS ITEMS**

A. Fireworks Regulations Review (City Agenda Item)

Heard City staff presentation by Bakersfield Fire Chief Ron Frazee.

6. BUSINESS ITEMS continued

Kern County Fire Chief Dennis Thompson recommended developing a partnership with city and county law enforcement to enhance fireworks oversight, and establishing administrative penalties.

Councilmember Zack Scrivner discussed limiting safe and sane fireworks to July 4 and New Years Eve, and establishing fees Countywide for development of a joint task force.

Heard in opposition to a ban on fireworks: Dennis Rivell, President, Rivell Communications; Larry Romero, District Commander Veterans of Foreign Wars (VFW); Fuschsia Ward, Kiwanis Club of Kern; William Potter, Commander, Post 97, VFW; Cathy Morgan, American Legion Auxilliary, Shafter; Loreda Clevenger; Chris Gonzales; Jennifer Hoffmann, Indian Wells Valley Swim Team; Bernie Daverin, on behalf of the California City Knights of Columbus, Burroughs High School Boosters, Cal City Christian Center, California City Youth Sports and the American Legion Auxiliary; Cheryl Nelson, San Joaquin Sport Divers Club; Keith Fultz; James LeBlanc; Thurman Van deMark, Optimist Club of Bakersfield; Chris McCoy; John Graham, Rosedale Highway Lions Club; and Bill Brimmer, San Joaquin Sport Divers.

Councilmember Benham explained the proposal affects the metropolitan Bakersfield area only and supports the immediate formation of a joint task force due to the approaching fireworks season.

Supervisor Rubio expressed opposition to a fireworks ban that could hinder fundraising opportunities for non-profit organizations, added support of a joint task force, and supports substantial fines for the sale of illegal fireworks with fines allocated to fund enforcement.

Supervisor Maben questioned County Counsel regarding the administrative penalty process and expressed support of a substantial fine.

Councilmember Couch requested staff again review the regulations for pre-sale and storage of fireworks.

Supervisor Patrick supported creation of a joint task force and video education.

Supervisor McQuiston voiced his objection to a ban on fireworks and supported substantial fines/penalties and creation of a joint task force.

Councilmember Sullivan recommended limiting the number of days for the sale of fireworks, and endorsed the joint task force and strict enforcement of illegal use of fireworks.

6. BUSINESS ITEMS continued

Councilmember Carson supported the task force with no additional cost to non-profit organizations and supported the fine/penalty structure to enforce ordinances.

County Administrative Officer Ron Errea encouraged consideration of administrative penalties rather than criminal charges due to the impact on the criminal justice system.

B. Proposed Fire Services Joint Powers Agreement (Joint Agenda Item) –

Heard County and City Staff Presentation by Kern County Fire Chief Dennis Thompson and Bakersfield Fire Chief Ron Frazee. Chief Thompson reviewed late modifications to the Joint Powers Agreement (JPA).

Considerable discussion ensued regarding concerns related to the 180-day negotiation period for placement of new fire stations, and the five-mile limit beyond the metropolitan Bakersfield boundary which does not preclude mutual aid assistance.

Directed the CAO, City Manager, County Counsel and City Attorney to meet with both Fire Chiefs during a brief recess and report back with recommended amendments to address the concerns expressed.

RECESSED FROM 7:50 P.M. TO 8:09 P.M.

MEETING RECONVENED WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER MAGGARD

County Counsel Bernard Barmann and City Attorney Virginia Gennaro reported back on the proposed amendments recommended by County staff pursuant to direction from the Board and City Council.

MOTION BY SUPERVISOR RUBIO, SECONDED BY SUPERVISOR MABEN TO APPROVE THE JOINT POWERS AGREEMENT 809-2005 AS AMENDED AND AUTHORIZE THE CHAIRMAN TO SIGN.

All Ayes

MOTION BY COUNCILMEMBER COUCH TO APPROVE THE JOINT POWERS AGREEMENT 05-329 AS AMENDED AND AUTHORIZE THE MAYOR TO SIGN.

Six Ayes; One Absent – Council Member Maggard

NOTE: Agenda Item 6 H. was heard out of order before Agenda Item 6 C.

6. BUSINESS ITEMS continued

- H. Proposed Joint Resolution regarding City and County efforts to improve air quality – (County Agenda Item) –

Fifth District Supervisor Michael Rubio provided an overview of the proposed joint resolution.

Michael Turnipseed, Kern County Taxpayers Association, requested changes to the proposed language contained in the resolution.

Councilmember Benham recommended amending Section 1.e. to read: A conversion of city and county heavy duty fleet vehicles to cleaner fuel-burning vehicles within the next five years “would help improve air quality” in place of “would suppress the growing air quality problem”; and Section 1.g, to read: “Efforts will be made to encourage businesses and corporations that use heavy duty machinery within the city and county to transition to cleaner fuel-burning equipment”, in place of “A change in agreeing upon contracts with businesses and corporations that use heavy duty machinery within the city and county will be employed to ensure that there exists a movement within these businesses to transition to cleaner fuel-burning equipment.”

Supervisor Patrick also requested striking language at the end of Section 2, which reads “will attempt to”, and inserting “will seek incentive dollars to:”

MOTION BY SUPERVISOR RUBIO, SECONDED BY SUPERVISOR MCQUISTON, ADOPTING RESOLUTION NO. 2005-416 INCORPORATING RECOMMENDED AMENDMENTS; REFERRED TO COUNTY STAFF TO QUANTIFY COSTS FOR CONSIDERATION DURING THE NEXT BUDGET CYCLE

All Ayes

MOTION BY COUNCILMEMBER BENHAM TO ADOPT RESOLUTION 209-05 AS AMENDED.

Six Ayes; One Absent: Councilmember Maggard

- C. Status Report on Metropolitan Bakersfield Solid Waste Transfer Station Siting (continued from 2/28/05 meeting) (Joint Agenda Item) –

NOTE: Councilmember Benham was excused at 8:48 p.m.

Heard County and City staff presentation by Waste Management Director Daphne Harley and Bakersfield Solid Waste Director Kevin Barnes.

Councilmember Hanson and Supervisor Patrick requested staff develop an action plan for presentation to both governing bodies.

6. BUSINESS ITEMS continued

D. South Beltway Alignment (Joint Agenda Item) –

Heard County and City staff presentation by Kern County Planning Director Ted James and Roads Director Craig Pope and Bakersfield Public Works Director Raul Rojas

**MOTION BY SUPERVISOR PATRICK, SECONDED BY SUPERVISOR RUBIO TO REFER THE METROPOLITAN BAKERSFIELD GENERAL PLAN CIRCULATION ELEMENT AND THE SOUTH BELTWAY SPECIFIC PLAN LINE TO THE CITY OF BAKERSFIELD; RECEIVED AND FILED
All Ayes**

E. Update on Federal Highway Funding and Local Transportation Project Priority and Administration (City Agenda Item) –

Heard City staff presentation by Bakersfield Public Works Director Raul Rojas

F. Update on Local Transportation Sales Tax Ballot Measure (Joint Agenda Item) –

Heard County and City staff presentation by Kern County Resource Management Agency Director David Price and Bakersfield Public Works Director Raul Rojas

Councilmember Couch requested this issue be placed on the next joint meeting agenda.

G. Western Rosedale Specific Plan Update (County Agenda Item) –

Heard County staff presentation by Planning Director Ted James.

Roger Funston heard regarding availability of grant funds.

Supervisor Rubio requested a report back at the next joint meeting regarding formation of a multi-agency task force comprised of appropriate city and county staff and related agencies to assure responsible growth and planning for the future.

Councilmember Couch also requested city staff prepare recommendations for the city's participation on the task force.

NOTE: Agenda Item 6 H. was heard out of order before Agenda Item 6 C.

I. Proposed 2006 Schedule for Joint Meetings (Joint Agenda Item) –

6. BUSINESS ITEMS continued

**MOTION BY SUPERVISOR PATRICK, SECONDED BY SUPERVISOR MCQUISTON TO ESTABLISH MONDAY, FEBRUARY 27, 2006 AT 5:30 P.M. AND MONDAY, SEPTEMBER 18, 2006 AT 5:30 P.M. AS FUTURE MEETING DATES
All Ayes**

**MOTION BY COUNCILMEMBER COUCH TO ESTABLISH MONDAY, FEBRUARY 27, 2006 AT 5:30 P.M. AND MONDAY, SEPTEMBER 18, 2006 AT 5:30 P.M. AS FUTURE MEETING DATES
Five Ayes; Two Absent – Councilmembers Maggard and Benham**

7. CLOSING COMMENTS BY CITY COUNCILMEMBERS AND BOARD MEMBERS

Councilmember Couch requested county assistance with a traffic signal at Palm Avenue and Allen Road where city and county jurisdictions converge.

Councilmember Carson expressed a desire to have county islands incorporated into the metropolitan area as planning progresses.

Councilmember Scrivner commented regarding public pensions and provided material handouts to city and county officials.

8. CLOSING COMMENTS BY MAYOR HARVEY L. HALL

9. CLOSING COMMENTS BY CHAIRMAN RAY WATSON

Chairman Watson requested the issue of joint animal control be included on the next Joint City/County agenda.

10. ADJOURNED at 10:01 p.m.

Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors