

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 7, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Watson

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Presentation of National Association of Counties 2004 Achievement Awards by Chairman Jon McQuiston (from August 31, 2004) - MADE PRESENTATIONS TO JOHN NILON, DIRECTOR, CHILD SUPPORT SERVICES, FOR "CHILD SUPPORT VIDEO CONFERENCING CO-LOCATE PROGRAM"; KRIS GRASTY, ASSISTANT DIRECTOR, DEPARTMENT OF HUMAN SERVICES, FOR "INDEPENDENT CITY"; DAPHNE WASHINGTON, DIRECTOR, WASTE MANAGEMENT DEPARTMENT, FOR "KEEP KERN CLEAN", "E-WASTE COLLABORATIVE", AND "DISPOSAL SITE MONITORING SYSTEM"; JOHN NILON, KRIS GRASTY, MARIA BERMUDEZ, AND DAPHNE WASHINGTON HEARD; CHERYL CHALUPA, ROLAND BURKERT, JIM BALDWIN, AURORA RUSH, MARY BETH GARRISON, TONY BONANNO, DARBY TOOTHMAN, AND DOUG LANDON RECOGNIZED
- 2) Resolution honoring and commending John Pryor as recipient of the John Brock Community Service Award - ADOPTED RESOLUTION; MADE PRESENTATION TO JOHN PRYOR; JOHN PRYOR HEARD

Watson-Patrick: All Ayes

- 3) Proclamation proclaiming October 2004 as Financial Literacy Month in Kern County - PROCLAIMED; MADE PRESENTATION TO JERRY RANDALL; JERRY RANDALL HEARD

Maben-Patrick: All Ayes

- 4) Proclamation proclaiming September 22nd through October 3rd, 2004 as Kern County Fair Days - PROCLAIMED; MADE PRESENTATION TO JOE CORNEJO; JOE CORNEJO, STEVE SMOOT, AND ROBERT PUTNEY, INTERIM CHIEF EXECUTIVE OFFICER, HEARD; ESTHER TORRES AND K.C. THE BULL INTRODUCED

Parra-Patrick: All Ayes

- 5) Proclamation proclaiming September 2004 as Alcohol and Drug Addiction Recovery Month in Kern County - PROCLAIMED; MADE PRESENTATION TO DIANE KODITEK, DIRECTOR, MENTAL HEALTH DEPARTMENT; DIANE KODITEK, LINDA EVISTON, MARY GATTONI, AND ANNE KELLY HEARD

Patrick-Maben: All Ayes

APPOINTMENTS

- *6) Appointment of Dennis Eugene Lewis as Fourth District Member to the In-Home Supportive Services (IHSS) Advisory Committee, term to expire June 30, 2006 - MADE APPOINTMENT

Parra-Patrick: All Ayes

- *7) Reappointment of John Neal Willey as At-large, Directly Affected Persons Member to the Kern County AIDS Advisory Board, term to expire August 16, 2007 - MADE REAPPOINTMENT

Parra-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 8) 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! - PETE BELLUOMONI, PRESIDENT, KERN COUNTY FARM BUREAU, ANNOUNCED THE APPOINTMENT OF MATTHEW PARK AS EXECUTIVE DIRECTOR OF THE KERN COUNTY FARM BUREAU; MATTHEW PARK AND LORON HODGE HEARD

ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION EXPRESSED APPRECIATION TO LORON HODGE AND THE KERN COUNTY FARM BUREAU FOR THEIR SUPPORT

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

9) 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 PARRA ANNOUNCED THAT HE WOULD BE ABSENT FROM THE 2:00 P.M. BOARD MEETING TODAY

SUPERVISOR PATRICK ANNOUNCED THAT SHE WOULD MISS A PORTION OF THE 2:00 P.M. BOARD MEETING TODAY TO ATTEND A MEETING REGARDING PROPOSITION 1A

SUPERVISOR PATRICK INTRODUCED NEW THIRD DISTRICT STAFF MEMBER, NICK GATTI

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

*10) Request to hire retired County employee Socorro Cervantes as Agricultural Weights & Measures Technician, 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 the date of employment - APPROVED

Parra-Patrick: All Ayes

CHILD SUPPORT SERVICES

*11) Request to hire retired County employee Jeffrey Harp as Investigative Aide, Step E, Range 49.6, 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

Parra-Patrick: All Ayes

CLERK OF THE BOARD

*12) Amended Conflict of Interest Code for the North Bakersfield Recreation and Park District - APPROVED

Parra-Patrick: All Ayes

COUNTY COUNSEL

*13) Request of Waste Management Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

*14) Request of Sheriff's Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

*15) Request of Fire Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

*16) Proposed retroactive Agreement with the County of Tulare to provide licensed and registered nurse training, psychiatric technician training and employment services to Workforce Investment Act eligible customers, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$145,785 (prior notification June 1, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 793-2004

Parra-Patrick: All Ayes

*17) Proposed retroactive Agreement with Mexican American Opportunity Foundation to provide work readiness and occupational skills training for eligible customers under the Workforce Investment Act, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$1,192,152 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 794-2004

Parra-Patrick: All Ayes

*18) Proposed retroactive Agreement with City of Ridgecrest to provide comprehensive educational and employment readiness activities for Workforce Investment Act eligible in-school and out-of-school youths, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$61,029 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 795-2004

Parra-Patrick: All Ayes

*19) Proposed retroactive Agreement with Henkels and McCoy, Inc. to provide work readiness and occupational skills training for Workforce Investment Act eligible youths, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$64,388 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 796-2004

Parra-Patrick: All Ayes

*20) Proposed retroactive Agreement with Kern High School District to provide work readiness and occupational skills training for adults eligible under the Workforce Act and comprehensive educational and employment readiness activities for eligible in-school and out-of-school youths, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$1,991,492 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 797-2004

Parra-Patrick: All Ayes

FIRE DEPARTMENT

*21) Request to hire retired County employee Will Hanna as Fire Captain, Range 62.7, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment - APPROVED

Parra-Patrick: All Ayes

HUMAN SERVICES

*22) Proposed Amendment No. 1 to Agreement 436-2003 with Aspen Learning to amend contractor name and reassign contract obligations to SumTotal Systems, Inc. - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 798-2004

Parra-Patrick: All Ayes

*23) Proposed contract employee Agreement with Edward T. Smith II for services as a Foster Parent Coordinator, from September 7, 2004 through September 6, 2005, in an amount not to exceed \$30,000 -

WITHDRAWN

MENTAL HEALTH SERVICES

*24) Proposed retroactive Agreement with Citizens for the Betterment of Community and Country, Inc., for substance abuse residential and outpatient treatment services to County residents, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$778,095 (Drug Medi-Cal, Federal, State, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 799-2004

Parra-Patrick: All Ayes

*25) Proposed retroactive Agreement with Turning Point of Central California, Inc., for residential and outpatient drug free substance abuse treatment, for County residents, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$714,821 (Drug Medi-Cal, Federal, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 800-2004

Parra-Patrick: All Ayes

- *26) Proposed Agreement with Westcare California, Inc., to provide outpatient drug free substance abuse treatment to County residents, from September 7, 2004 through June 30, 2005, in an amount not to exceed \$135,464 (Drug Medi-Cal, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 801-2004

Parra-Patrick: All Ayes

- *27) Proposed approval to accept funds through the Federal Stewart B. McKinney Projects for Assistance in Transition from Homeless (PATH) Program, for Fiscal Year 2004-2005, in an amount not to exceed \$156,833 (revenue to County) (Federal; Budgeted) - APPROVED

Parra-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *28) Proposed Agreement with Clinica Sierra Vista to coordinate services with the Women, Infant and Children Program, no fiscal impact - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 802-2004

Parra-Patrick: All Ayes

- *29) Proposed retroactive Agreement with Kern County Children and Families Commission for the Kern County Department of Public Health to handle the Kern Access to Children's Health Project for the uninsured, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$250,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 803-2004

Parra-Patrick: All Ayes

RETIREMENT ASSOCIATION

- *30) Notice of expiration of terms of office for Third and Eighth Members and Eighth Alternate Member of the Board of Retirement on December 31, 2004 - CALLED ELECTION TO FILL TERMS OF OFFICE ENDING DECEMBER 31, 2007 FOR THIRD AND EIGHTH MEMBERS AND EIGHTH ALTERNATE MEMBER OF BOARD OF RETIREMENT TO BE HELD ON THE THIRD TUESDAY OF NOVEMBER; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO CONDUCT ELECTION

Parra-Patrick: All Ayes

- *31) Request for approval of a three-hour paid-leave for all qualified employees to participate in the KCERA's service retirement meetings to be held in October and November 2004 - APPROVED

Parra-Patrick: All Ayes

SHERIFF

*32) Request to transfer \$98,000 from Sheriff's Trust Fund 22143 to fund activities of the Citizen Service Unit; No fiscal impact on General Fund - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE FROM SHERIFF'S TRUST FUND 22143 IN THE AMOUNT OF \$98,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER OF \$98,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210

Parra-Patrick: All Ayes

*33) Proposed retroactive Amendment No. 3 to Agreement 184-2000 with Public Communications Services, Inc., to reduce the minimum annual guarantee from \$1,500,000 to \$1,400,000 per year - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 804-2004

Parra-Patrick: All Ayes

*34) Proposed Amendment to Agreement 796-2003 with Bakersfield City School District for Law Enforcement Services establishing the term of the contract from August 27, 2003 through June 30, 2007, in an amount not to exceed \$35,000 annually - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 805-2004

Parra-Patrick: All Ayes

*35) Request to accept Grant Funding from the USDA Rural Development Office in the amount of \$7,875 for the purchase of SWAT GPS Radios - APPROVED; AUTHORIZED SHERIFF OR HIS DESIGNEE TO EXECUTE NECESSARY DOCUMENTS

Parra-Patrick: All Ayes

*36) Request to accept Grant Funding from the USDA Rural Development Office in the amount of \$45,000 for the purchase of surveillance equipment for the Sheriff's Rural Crime Investigation Unit - APPROVED; AUTHORIZED SHERIFF OR HIS DESIGNEE TO EXECUTE NECESSARY DOCUMENTS

Parra-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Parra

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

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

38) Request for Closed Session regarding public employee performance evaluation - Title: Director of Mental Health Services -

COUNTY COUNSEL

39) Request for closed session regarding a lawsuit entitled Chedva Federman, et al. vs. County of Kern, et al., United States District Court Case No. CIV-99-05533 AWI (Gov. Code Section 54956.9(a)) -

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

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

Patrick-Maben

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting

Tuesday, September 7, 2004

2:00 P.M.

BOARD RECONVENED

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

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

NOTE: ITEM NO. 20 WAS HEARD IMMEDIATELY AFTER THE CONSENT AGENDA

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR PATRICK INTRODUCED PAT LEARY, CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) LEGISLATIVE REPRESENTATIVE AND NICK GATTI, NEW THIRD DISTRICT STAFF MEMBER

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

*3) Request from Raymond Epp by Nelms Surveying to change the permitted uses from exclusive agriculture to 2-1/2-acre rural residential on ten acres located at the southwest corner of Houghton Road and Ashe Road, Bakersfield (SD #2)
Specific Request:

A change in zone classification from A to E (2-1/2) RS or a more restrictive district (ZCC #62, Map #142)

(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 2004-305 AND ENACTED ORDINANCE G-7133 APPROVING ZONE CHANGE AS REQUESTED

Maben-Watson: 4 Ayes; 1 Absent - Parra

*4) Request from Gerald and Cher Hutchinson by Robert G. Hogue, L.S., to change the permitted uses from 20-acre residential to 10-acre residential on 20.5 acres located at 27601 Cumberland Road, ten miles west of Tehachapi, Bear Valley Springs area (SD #2)
Specific Request:

A change in zone classification from E (20) RS to E (10) RS or a more restrictive district (ZCC #32, Map #164)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-306 AND ENACTED ORDINANCE G-7134 APPROVING ZONE CHANGE AS REQUESTED

Maben-Watson: 4 Ayes; 1 Absent - Parra

*5) Request from St. Rosamond 6231, L.P., by Moreland Consulting, Inc., to add the geologic hazard regulations to the existing zoning on approximately five acres located between Sierra Highway and 15th Street West, south of the Section 16 midsection line, Rosamond (SD #2)
Specific Request:

A change in zone classification from A-1 (R-1 in suspense) to A-1 GH (R-1 GH in suspense) or a more restrictive district (ZCC #33, Map #230-16)

(General Rule, Section 15061(b)(3); Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-307 AND ENACTED ORDINANCE G-7135 APPROVING ZONE CHANGE TO A-1 GH (LIMITED AGRICULTURE - GEOLOGIC HAZARD COMBINING) DISTRICT, WITH THE R-1 GH (LOW-DENSITY RESIDENTIAL - GEOLOGIC HAZARD COMBINING) DISTRICT TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP ON THE SITE

Maben-Watson: 4 Ayes; 1 Absent - Parra

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

Specific Request:

A Zone Variance to allow construction of a 339.5-foot-tall wind turbine (Section 19.08.160 and Section 19.16.080) in E (5) RS MH and E (20) RS MH Districts (ZV #30, Map #198) (Categorically Exempt, Section 15302; Published Tehachapi News) - CONTINUED TO TUESDAY, SEPTEMBER 21, 2004, AT 2:00 P.M.

Maben-Watson: 4 Ayes; 1 Absent - Parra

7) Request from Rob Rosen and Lynda Smith (original applicant - James Wainwright by French and Associates) to appeal the decision of the Hearing Officer approving Tentative Parcel Map 10987 dividing two parcels into 12 general commercial and light industrial parcels and allowing the panhandle of a flag lot to exceed 200 feet on 26.49 acres located on the west side of Lebec Road, north and south of Landfill Road, Lebec area (SD #4)

Specific Request:

An appeal to the decision of the Hearing Officer to approve Tentative Parcel Map 10987 proposing to divide two parcels consisting of 26.49 acres into 12 general commercial and light industrial parcels ranging in size from 37,557 square feet (net) to 2.15 acres (net) and a 10.70-acre designated remainder; a development variation to the Kern County Land Division Ordinance to allow the panhandle of a flag lot to exceed 200 feet in M-1 PD FPS GH, M-2 PD FPS GH, and M-1 PD GH Districts (TPM #10987; Appeal)

(Negative Declaration; Published Mountain Enterprise) - OPENED HEARING; HEARD IN OPPOSITION TO RECOMMENDATION: ROB ROSEN, CO-APPELLANT, AND INES FULLER; HEARD IN SUPPORT OF RECOMMENDATION: JAMES WAINWRIGHT; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2004-308 DISAPPROVING THE APPEAL AND UPHOLDING THE DECISION OF THE HEARING OFFICER

Watson-Patrick: 4 Ayes; 1 Absent - Parra

ITEMS NO. 8 AND NO. 9 WERE HEARD CONCURRENTLY

NOTE: SUPERVISOR PATRICK LEFT MEETING DURING PUBLIC COMMENT ON ITEMS NO. 8 AND NO. 9

8) Request from Mountain Meadows Community Services District by Craig Beardsley to terminate public access rights to all the streets within the district located south of Highline Road and east of Tucker Road, Tehachapi area (SD #2)

Specific Request:

Nonsummary vacation of all roads within Tract 3116 and Tract 3117, commonly known as Mountain Meadows (166-32 3 098; 166-33 3 098; 166-34 3 098; 181-31 3 098; 182-36 3 098; Streets and Highways)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; HEARD IN SUPPORT OF REQUEST: JACK ELLIS, PRESIDENT, MOUNTAIN MEADOWS COMMUNITY SERVICES

(Continued on Page 12)

(Continued from Page 11)

DISTRICT (MMCSD); LARRY DAVENPORT, VICE PRESIDENT, MMCSD; CHRISTOPHER FINBERG, ATTORNEY FOR MMCSD; PAUL ZVERLING; MICHAEL SELLERS; AND GENE CARTER; HEARD IN OPPOSITION TO REQUEST: MERLE KARNES, PRESIDENT, OLD WEST RANCH PROPERTY OWNERS ASSOCIATION; WILLIAM NELSON; AND LESLIE MONSER; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2004-309 DISAPPROVING VACATION

Maben-Watson: 3 Ayes; 2 Absent - Patrick, Parra

GENERAL PLAN AMENDMENT HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

Amendment of the Land Use, Open Space and Conservation Element, Maximum Allowed Land Use Density Table of the Kern County General Plan; Metropolitan Bakersfield General Plan; Western Rosedale Specific Plan; Rosamond Specific Plan; Circulation Element of the Kern County General Plan; Circulation Element of the Metropolitan Bakersfield General Plan, West Beltway Specific Plan Line; Alteration of Agricultural Preserve 8 and 10; and other items as cited which include amendments of certain zoning maps and applications and proceedings

9) Request from Mountain Meadows Community Services District by Craig Beardsley to delete major and secondary highway alignment designations of numerous streets within the district located south of Highline Road and east of Tucker Road, Tehachapi area (SD #2)

Specific Request:

Amend the Circulation Element of the Kern County General Plan to delete the future arterial (major highway) designations for Summit Road, Tucker Road, and Dennison Road and the future collector (secondary highway) designations for Danforth Road, Apache Street, Sioux Street, and Cheyenne Avenue; this request is being made to allow the processing of an application to vacate (terminate) public access rights to all roads within Tract 3116 and Tract 3117, commonly known as Mountain Meadows (GPA #1, Map #166-32; GPA #1, Map #166-33; GPA #2, Map #166-34; GPA #1, Map #181-31; GPA #1, Map #182-36)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; HEARD IN SUPPORT OF REQUEST: JACK ELLIS, PRESIDENT, MOUNTAIN MEADOWS COMMUNITY SERVICES; DISTRICT (MMCSD); LARRY DAVENPORT, VICE PRESIDENT, MMCSD; CHRISTOPHER FINBERG, ATTORNEY FOR MMCSD; PAUL ZVERLING; MICHAEL SELLERS; AND GENE CARTER; HEARD IN OPPOSITION TO REQUEST: MERLE KARNES, PRESIDENT, OLD WEST RANCH PROPERTY OWNERS ASSOCIATION; WILLIAM NELSON; AND LESLIE MONSER; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-310 DISAPPROVING GENERAL PLAN AMENDMENT

Maben-Watson: 3 Ayes; 2 Absent - Patrick, Parra

*10) 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) - CONTINUED TO TUESDAY, SEPTEMBER 28, 2004, AT 2:00 P.M.

Maben-Watson: 4 Ayes; 1 Absent - Parra

*11) Request from Maria Ofelia Bojorquez by Alejandro Rivera to change the permitted uses from intensive agriculture to residential on 35,000 square feet located at 30778 Burbank Street, north side of Burbank Street, approximately 600 feet west of Beech Avenue, Shafter (SD #1)

Specific Request:

Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.1 to Map Code(s) 5.3 or a more restrictive map code designation (GPA #2, Map #79-22)

(General Rule, Section 15061(b)(3); Published Shafter Press) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-311 APPROVING GENERAL PLAN AMENDMENT AS REQUESTED

Maben-Watson: 4 Ayes; 1 Absent - Parra

*12) Request from Kern County Planning Department to change the permitted uses from intensive agriculture to residential and exclusion of approximately three acres from the boundaries of an Agricultural Preserve located on the north side of Burbank Street, west of Beech Avenue, 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 to Map Code(s) 5.3 or a more restrictive map code designation (GPA #3, Map #79-22)

(b) Exclusion of approximately 3.7 acres from the boundaries of an Agricultural Preserve (Ag Pres #8 - Excl)

(General Rule, Section 15061(b)(3); Published Shafter Press) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-311 AND 2004-312 APPROVING GENERAL PLAN AMENDMENT AND EXCLUSION AS REQUESTED

Maben-Watson: 4 Ayes; 1 Absent - Parra

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

Specific Request:

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

(Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, SEPTEMBER 21, 2004, AT 2:00 P.M.

Maben-Watson: 4 Ayes; 1 Absent - Parra

*14) Request from Richard Swan by B & L Anderson Consulting to change the permitted uses from mineral and petroleum to general commercial on 6.3 acres of a 37.41-acre parcel located at the southeast corner of Seventh Standard Road and Enos Lane (State Route 43), south of Shafter (SD #1)

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) R-MP to Map Code(s) GC or a more restrictive map code designation (SPA #25, Map #100)

(b) A change in zone classification from NR (5) PD to C-2 PD PE or a more restrictive district (ZCC #47, Map #100)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-311 AND 2004-313 AND ENACTED ORDINANCE G-7136 APPROVING THE SPECIFIC PLAN AMENDMENT TO GC (GENERAL COMMERCIAL) ON 6.3 ACRES; APPROVING ZONE CHANGE TO C-2 PD PE (GENERAL COMMERCIAL - PRECISE DEVELOPMENT COMBINING - PETROLEUM EXTRACTION COMBINING) ON 6.3 ACRES

Maben-Watson: 4 Ayes; 1 Absent - Parra

*15) Request from Kern County Planning Department to change the permitted uses from general commercial to rural residential on 10 acres and exclusion of 2-1/2 acres from an Agricultural Preserve located at the four corner intersection of Houghton Road and Ashe Road, Bakersfield (SD #2)

Specific Request:

(a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) GC to Map Code(s) RR or a more restrictive map code designation (GPA #19, Map #142)

(b) Exclusion of approximately 2-1/2 acres from the boundaries of an Agricultural Preserve (Ag Pres #10 - Excl)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-311 AND 2004-314 APPROVING GENERAL PLAN AMENDMENT AND EXCLUSION AS REQUESTED

Maben-Watson: 4 Ayes; 1 Absent - Parra

*16) Request from Royal Investors Group by Cornerstone Engineering, Inc., to change the permitted uses from estate residential to general commercial on 17.78 acres and from estate residential to low-density residential on 124.2 acres located on the southwest corner of Rosamond Boulevard and 40th Street West, Rosamond (SD #2)

Specific Request:

(a) Amend the Rosamond Specific Plan from Map Code(s) 5.3/2.5 to Map Code(s) 6.2 or a more restrictive map code designation (GPA #2, Map #231-24)

(b) A change in zone classification from E (2-1/2) RS MH [E (2-1/2) RS MH H FPS in suspense] to C-2 PD on 17.78 acres and R-1 FPS H on 124.2 acres or more restrictive districts (ZCC #6, Map #231-24)

(Negative Declaration; Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-311 AND 2004-315 AND ENACTED ORDINANCE G-7137 APPROVING GENERAL PLAN AMENDMENT, WITH THE ADDITION OF THE 2.5 (FLOOD HAZARD) OVERLAY, AND ZONE CHANGE TO C-2 PD (GENERAL COMMERCIAL - PRECISE DEVELOPMENT COMBINING), WITH THE ADDITION OF THE H (AIRPORT APPROACH HEIGHT COMBINING) AND FPS (FLOODPLAIN SECONDARY COMBINING) DISTRICTS, AND APPROVING A ZONE CHANGE TO R-1 FPS H (LOW-DENSITY RESIDENTIAL - FLOODPLAIN SECONDARY COMBINING - AIRPORT APPROACH HEIGHT COMBINING), TO BECOME EFFECTIVE UPON THE RECORDATION OF BOTH AN AVIGATION EASEMENT APPROVED AS TO FORM BY COUNTY COUNSEL AND A FINAL TRACT MAP

Maben-Watson: 4 Ayes; 1 Absent - Parra

*17) Request from Kern County Planning Department to delete the Norris Road alignment east of Manor Street on the Circulation Map of the Metropolitan Bakersfield General Plan (SD #3)

Specific Request:

Amend the Circulation Element of the Metropolitan Bakersfield General Plan to delete a future secondary (collector) highway alignment along the Norris Road extension from Manor Street to China Grade Loop (GPA #5, Map #103-7)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-311 APPROVING GENERAL PLAN AMENDMENT

Maben-Watson: 4 Ayes; 1 Absent - Parra

*18) Request from Kern County Waste Management Department to delete a section line and two midsection lines to allow for cost effective/simplified closure of the Shafter-Wasco Sanitary Landfill, in addition to maintaining one designated landfill entrance, and to delete Condition 5 of conditional use permit which requires a portion of the landfill not be used for circulation purposes, located approximately 6-1/2 miles west of Shafter and 5 miles southwest of Wasco (SD #4)

Specific Request:

(a) Amend the Circulation Element of the Kern County General Plan by deleting a section line and two midsection lines in Section 5 and Section 8, T28S, R24E, MDB&M; the proposed section and midsection lines deletion will allow for cost effective and simplified closure of the Shafter-Wasco Sanitary Landfill and maintain one designated entrance into the landfill (GPA #5, Map #78)

(b) A Deletion of Condition 5 of Conditional Use Permit 1, Map 78, which requires that, for circulation purposes, a portion of the landfill property will not be used (Resolution 1-72; approved 1/6/72), for this conditional use permit which provides for the Shafter-Wasco Sanitary Landfill operation by the Kern County Waste Management Department (CUP #1, Map #78)

(General Rule, Section 15061(b)(3); Published Shafter Press)
- OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-311 AND 2004-316 APPROVING GENERAL PLAN AMENDMENT AND DELETING CONDITION 5 OF CONDITIONAL USE PERMIT 1, MAP 78, WITH ALL OTHER CONDITIONS TO REMAIN IN EFFECT

Maben-Watson: 4 Ayes; 1 Absent - Parra

19) Request from Susan and Michael Mulligan and John and Maria Zrofsky to change the permitted uses from intensive agriculture to residential and a request to allow an additional single-family dwelling unit on 20 acres located at 17641 and 17629 Wasco Avenue, three miles west of Shafter (SD #4)

Specific Request:

(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.1 to Map Code(s) 5.6 or a more restrictive map code designation (GPA #6, Map #78)

(b) A Conditional Use Permit to allow an additional single-family dwelling unit not exceeding the allowable density (Section 19.14.030.B) in an A-1 (Limited Agriculture) District (CUP #10, Map #78)

(General Rule, Section 15061(b)(3); Published Shafter Press)
- OPENED HEARING; HEARD IN SUPPORT OF REQUEST: SUSAN MULLIGAN AND JOHN ZROFSKY; HEARD IN OPPOSITION TO REQUEST: FRANKIE SEIMENS; WILLIAM DOBRENEN; AND STEVE REIMER; CLOSED HEARING; ADOPTED RESOLUTION 2004-317 DENYING GENERAL PLAN AMENDMENT; DENIED REQUESTED CONDITIONAL USE PERMIT AS INCONSISTENT WITH GENERAL PLAN

Watson-Maben: 3 Ayes; 2 Absent - Patrick, Parra

RECESSED FOR 15 MINUTES

RECONVENED WITH THREE MEMBERS PRESENT; SUPERVISORS PATRICK AND PARRA ABSENT

NOTE: ITEM NO. 20 WAS HEARD IMMEDIATELY AFTER THE CONSENT AGENDA

20) Request from Hageman Northwest, LP, by SmithTech/USA, Inc., to change the permitted uses from limited agriculture to estate residential on 160.47 acres located at the southeast corner of Hageman Road and Heath Road, western Rosedale (SD #4)

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) UER to Map Code(s) SR or a more restrictive map code designation on 140.92 acres (GPA #51, Map #101)
(b) A change in zone classification from A-1 to E (1/4) on 140.92 acres and to E (1/2) on 19.67 acres or more restrictive districts (ZCC #137, Map #101)

(Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, SEPTEMBER 14, 2004, AT 2:00 P.M.

Watson-Maben: 4 Ayes; 1 Absent - Parra

NOTE: SUPERVISOR PATRICK RETURNED TO THE MEETING DURING STAFF PRESENTATION ON ITEM NO. 21

21) Request from various property owners by Brad Burks to exclude certain properties from within the adopted right-of-way of the West Beltway where the alignment abuts Tract 5069 and Tract 5448 approximated by Rudd Avenue, between Palm Avenue and Meacham Road, western Rosedale area of Bakersfield (SD #4)

Specific Request:

A request from property owners within Tract 5069 and Tract 5448 (collectively known as Shilo Estates) to exclude certain properties from within the adopted right-of-way of the West Beltway as established by the West Beltway Specific Plan Line; the exclusion is requested to be accomplished by relocation of the right-of-way to the east or by reducing the right-of-way width from 210 feet to no greater than 150 feet where the alignment abuts Tract 5069 and Tract 5448 (GPA #54, Map #101)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; HEARD IN OPPOSITION TO RECOMMENDATION: MIKE MICHELLI; SANDRA SENIOR; JACKIE ALEXANDER; ROBERT ALEXANDER; PEDRO AND MARIA RANGEL; AND LANCE HILDERBRAND; HEARD IN SUPPORT OF RECOMMENDATION: BRAD BURKS; AND JOHN KIND, GENERAL MANAGER, CARRIAGE HOMES; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-318 APPROVING AMENDMENT OF THE WEST BELTWAY SPECIFIC PLAN LINE IN ACCORDANCE WITH ALTERNATIVE 2, WITH THE RIGHT-OF-WAY NARROWED TO THE EXTENT FEASIBLE AT TRACT 4998

Watson-Patrick: 3 Ayes; 1 No - Maben; 1 Absent - Parra

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

S.D. #1

*22) Proposed Williamson Act Land Use Contract No. 04-3 with Woodrow D. Wilson and Louise E. Wilson for 2005 Calendar Year, and a Contract Amending Land Use Contract, south side of Burbank Avenue, 1/4 mile west of Enos Lane, Shafter area, 12.2 acres, Agricultural Preserve No. 8 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD LAND USE CONTRACT AND CONTRACT AMENDING LAND USE CONTRACT

Maben-Watson: 4 Ayes; 1 Absent - Parra

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #5

*23) Proposed Finding of No Significant Impact (FONSI) and Request for Release of Funds (RROF) for HOME Investment Partnership Program Project No. 34.04.2, Cottonwood Housing Development, Multi-Phase/Phase II, Cottonwood Court Apartments - APPROVED FONSI; AUTHORIZED CHAIRMAN TO EXECUTE RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT RROF AND CERTIFICATION TO HUD

Maben-Watson: 4 Ayes; 1 Absent - Parra

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

*24) Request to approve final map for Tract 6171, Phase 3, north Bakersfield area, DeWalt Corporation for Denela, LLC - APPROVED; ADOPTED RESOLUTION 2004-319 MAKING FINDINGS 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); ACCEPTANCE INTO THE COUNTY ROAD SYSTEM, AND RESTORATION OF INGRESS AND EGRESS ACROSS LOTS "A" IN TRACT 6171, PHASE 4; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 806-2004, 807-2004 AND 808-2004; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #4

*25) Request to approve final map for Tract 6027, Unit 1, west side Rudd Avenue, western Rosedale, SmithTech USA for Heath Road Partners, LLC - APPROVED; ADOPTED RESOLUTION 2004-320 MAKING FINDINGS 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 HOLDER 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), ACKNOWLEDGEMENT OF REVERSION OF TEMPORARY SEWER, SLOPE, TURNAROUND AND STORM DRAIN EASEMENTS AND RESTORATION OF INGRESS AND EGRESS ACROSS LOT "B" OF TRACT 6025, LOTS "C" AND "D" OF TRACT 6028 AND LOTS "B" AND "C" OF TRACT 6026; 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 820-2004; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; CONSENTED TO MAKING OF IRREVOCABLE OFFER OF DEDICATION FOR OFF-SITE TEMPORARY TURNAROUND EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Watson: 4 Ayes; 1 Absent - Parra

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #2

*26) Contract No. 04026, identify apparent low bid of Safety Striping Service, Inc., for the removal of traffic striping on Westwood Boulevard-Golden Hills Boulevard to Woodford-Tehachapi Road, in an amount not to exceed \$21,450 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #5

*27) Proposed no-stopping zone on Fairview Road - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF THE NECESSARY ORDINANCE

Maben-Watson: 4 Ayes; 1 Absent - Parra

*28) Proposed Resolution for acceptance of an offer of dedication, declaration as public highway and incorporation into the County road system as a portion of Flower Street - APPROVED; ADOPTED RESOLUTION 2004-321; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: 4 Ayes; 1 Absent - Parra

*29) Contract No. 05002, Plans, Specifications and Notice to Contractors for construction on Weedpatch Highway from Collison Street to Mountain View School - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15301(C) OF 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 6, 2004, 11:00 A.M.

Maben-Watson: 4 Ayes; 1 Absent - Parra

WASTE MANAGEMENT

Hearing

All S.D.'s

*30) Public Hearing on proposed revisions to the Countywide Siting Element of the Kern County and Incorporated Cities Integrated Waste Management Plan for Conformance with the Kern County General Plan - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; CERTIFIED FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT; ADOPTED SECTION 15091 FINDINGS AND SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATION; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF DETERMINATION; ADOPTED RESOLUTION 2004-322

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #1

*31) Proposed Agreement with County of Inyo for disposal of out-of-county waste at the Ridgecrest Sanitary Landfill from September 14, 2004 to June 30, 2006 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 809-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

All S.D.'s

*32) Proposed Amendment No. 1 to Agreement 202-2002 with Geomatrix Consultants, Inc., to provide burn dump characterization and remediation design services to extend the term from September 19, 2004 to June 30, 2005, with no increase in compensation - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 810-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

*33) Proposed Agreement with Advanced Earth Sciences, Inc., to provide environmental, civil and geotechnical engineering services at closed and inactive facilities from September 7, 2004 to August 31, 2009, in an amount not to exceed \$200,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 811-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

*34) Proposed Agreement with Community Clean Sweep for development and implementation of an illegal dumping prevention and education program for Kern County from September 7, 2004 to September 30, 2007, in an amount not to exceed \$210,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 812-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

*35) Proposed Agreement with 15th District Agricultural Association to waive up to \$5,000 in disposal fees from September 17, 2004 through October 18, 2004 in exchange for public education outreach opportunities at the 2004 Kern County Fair - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 813-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

COUNTY ADMINISTRATIVE OFFICE

*36) Certificate of Achievement for Excellence in Financial Reporting received by Ann K. Barnett, Auditor-Controller-County Clerk - RECEIVED AND FILED

Maben-Watson: 4 Ayes; 1 Absent - Parra

Legislative Matters

*37) Propositions 68 and 70: Indian Gaming - ADOPTED POSITION IN OPPOSITION; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Watson: 4 Ayes; 1 Absent - Parra

*38) SB 1161: Library Construction Bond Act - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Watson: 4 Ayes; 1 Absent - Parra

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Hearing

S.D. #2

*39) Proposed purchase of 2.37 acres of land at 35th Street West and Stetson Avenue, Rosamond, from the Rosamond Community Services District for a fire station site and future Sheriff's substation, in the amount of \$64,000 for the land plus \$105,409.57 for offsite development costs and \$875 for escrow, closing costs and title insurance - 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 AS APPROPRIATE; ADOPTED RESOLUTION 2004-323; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 814-2004 FOR PURCHASE AND ESCROW INSTRUCTIONS; ACCEPTED GRANT DEED; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT TO COMMONWEALTH LAND TITLE COMPANY IN THE AMOUNT OF \$170,284.57

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #1

*40) Proposed Amendment No. 3 to Agreement 998-2002 with the State Board of Corrections (BOC) for Probation Department's new Juvenile Treatment Facility, extending the BOC grant completion date to December 15, 2004 (1960.8166) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 815-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

*41) Proposed License Agreement with Kern River Valley Amateur Radio Club, Inc., for use of County's communications facilities on Shirley Peak, from September 7, 2004 to September 7, 2014 - 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 816-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #2

*42) Proposed Agreement with Kenneth L. Ross and Mary Lou Ross for lease of 26965 Twenty Mule Team Road, Boron, for continued use by the Boron Branch Library, from September 7, 2004 to September 7, 2007 (\$1,333 monthly rent) - 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 817-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

*43) Proposed Lease Agreement with East Kern Airport District for use of Building No. 2 at the Mojave Airport by Waste Management Department as a collection site for household hazardous waste, from November 1, 2004 to October 31, 2009 (rent free for first year; \$6,000 second year and an increase of \$200 each year for five years) - 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 818-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #3

*44) Proposed Easement Agreement with Pacific Gas and Electric (PG&E) for the new airport terminal at Meadows Field (8215.7500) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 819-2004

Maben-Watson: 4 Ayes; 1 Absent - Parra

S.D. #4

*45) Proposed Temporary Access and Assessment Permit with Kern Water Bank Authority to provide access to property adjacent to the former Frank Uhler Fire Training Facility for completion of the site characterization project (1650.7252G) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: 4 Ayes; 1 Absent - Parra

*46) Request to set hearing to amend pipeline Franchise F-453, granted to Seneca Resources Corporation to correct description of the franchise area - ADOPTED RESOLUTION 2004-324 SETTING HEARING FOR TUESDAY, OCTOBER 12, 2004, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Maben-Watson: 4 Ayes; 1 Absent - Parra

All S.D.'s

*47) Proposed project list for the Job Order Contract - APPROVED
Maben-Watson: 4 Ayes; 1 Absent - Parra

CONSIDERATION OF ORDINANCE INTRODUCED ON AUGUST 3, 2004

*48) Proposed Amendment to the Kern County Ordinance Code, Section 2.84, to allow Assistant County Administrative Officer for General Services to execute specific real property leases and licenses on behalf of the County (from 8/24/2004) - ENACTED ORDINANCE A-345

Maben-Watson: 4 Ayes; 1 Absent - Parra

MATTERS FOR EXECUTIVE APPROVAL

*49) Budget Transfers - APPROVED NO. 3 AND NO. 4

Maben-Watson: 4 Ayes; 1 Absent - Parra

*50) Minutes for week of August 2, 2004 - APPROVED

Maben-Watson: 4 Ayes; 1 Absent - Parra

*51) Miscellaneous Letters and Documents - APPROVED

Maben-Watson: 4 Ayes; 1 Absent - Parra

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

Maben-Watson: 4 Ayes; 1 Absent - Parra

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

Maben-Watson: 4 Ayes; 1 Absent - Parra

ADJOURNED TO MONDAY, SEPTEMBER 13, 2004, AT 2:00 P.M.

Maben

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors

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

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

51) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter from Marjorie H. Ezell re resignation from the West Side Cemetery District Board of Trustees (Copies to each Supervisor, CAO and West Side Cemetery District)
- B) E-mail from Alisha Caster Franklin re resignation from the Behavioral Health Board (Copies to each Supervisor, CAO and Mental Health)
- C) Received, certified and forwarded to Recorder for recordation as follows:
 - 1) Tract Map 6117, Unit 2 S.D. #4
 - 2) Tract Map 6153 S.D. #4
 - 3) Tract Map 6308 S.D. #4

Community and Economic Development

- D) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with Elias Velarde, Jr. and Charlene Velarde

County Administrative Office

- E) Response on audit report of the Unemployment Internal Service Fund for Fiscal Year 2003-2004

Environmental Health

- F) Six (6) thank you letters to individuals for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter

Local Agency Formation Commission

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

Treasurer-Tax Collector

- H) Declaration of intent to seize property from Guy Chaddock and Company, Inc., pursuant to Section 2953 of the California Revenue and Taxation Code (Copies to each Supervisor, CAO and County Counsel)

Miscellaneous

- I) Letter from Veronica Stewart in support of Nonsummary Vacation of Burlando, west of the south extension of Rio Del Loma Street, north of Kernville (Copies to each Supervisor, CAO and Planning)

- J) Letter from Gorden Jones re air quality resulting from Lehigh Southwest Cement Company operations (Copies to each Supervisor, CAO, Kern County Air Pollution Control District and County Counsel)

- K) Letter from Susan Mulligan, Glory Bee Company, re General Plan Amendment proposed on September 7, 2004 (Copies to each Supervisor, CAO, Planning and County Counsel)

- L) Letter from Steve McGarry re his experience in dealing with County employees while obtaining building permit information (Copies to each Supervisor, CAO and Resource Management Agency)
- M) Letter from William J. Crout, California Board of Corrections, re process of revisions to the California Code of Regulations, Titles 15 and 24, Minimum Standards for Local Detention Facilities (Copies to each Supervisor, CAO, Sheriff and Public Health)
- N) Letter from R.E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Tuesday, August 17, 2004, on eastbound State Route 58, east of Oswell Street (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- O) Letter from D.E. Leach, California Highway Patrol, re Hazardous Materials Incident Report on Tuesday, August 24, 2004, on State Route 58, west of Mill Street (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- P) E-mail from Donna Corum in opposition to Board decision regarding future dairies in Kern County (Copies to each Supervisor, CAO, Planning, Resource Management Agency and County Counsel)
- Q) E-mail from Panfilo Fuentes re future dairies in Wasco (Copies to each Supervisor, CAO and Planning)
- R) Notice from State Department of Alcoholic Beverage Control re applications for Alcoholic Beverage Licenses: Big John's Restaurant, 3121 Mt. Pinos Way, Frazier Park; ARS Fresno 15, 9069 Grapevine Road West, Lebec (Copies to each Supervisor, CAO and Planning)
- S) Agenda of meeting from Kern County Child Care Council on Wednesday, September 1, 2004
- T) Minutes of meeting from Kern County Child Care council on Wednesday, July 7, 2004

52) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED

- A) Letter from Valley Estate Association of Property Owners, Inc., re Resolution requesting Board to pass a Resolution making California Vehicle Code applicable on private roads within their development - REFERRED TO ROADS (Copies to each Supervisor, CAO and County Counsel)

53) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED

- A) Claim in the matter of Clean Harbors Buttonwillow, LLC vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Auditor)
- B) Claim in the matter of Gabriel Coronel, minor, and Albesa Lara, mother vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- C) Claim in the matter of Community Ambulance Service, Inc. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Mark Schwaiger vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Scott Everett Wininger vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Summons and complaint in the matter of Jamie Nelson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Summons and complaint in the matter of Rafael Duran and Blanca Duran vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Subrogation claim in the matter of Cleotha Jackson by Automobile Club of Southern California vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)