SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, February 12, 2008

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Maggard, Watson, Rubio
ROLL CALL: All Present

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

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" OR "C" WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

NOTE: CHAIRMAN RUBIO ANNOUNCED THAT THE FOLLOWING CLOSED SESSION ITEM WAS CONTINUED FROM THE A.M. SESSION: COUNTY ADMINISTRATIVE OFFICE, ITEM NO. 30

RESULTS OF CLOSED SESSION

Results of Closed Session from February 12, 2008, at 9:00 A.M., Item No. 33 regarding a lawsuit entitled Olivia Garcia, et al. vs. County of Kern, Kern County Superior Court Case No. 258978 SPC (Government Code Section 54956.9(a)) - CHAIRMAN RUBIO ANNOUNCED THAT BY UNANIMOUS VOTE, THE BOARD AUTHORIZED A SETTLEMENT OF THIS ROAD CASE IN THE AMOUNT OF $50,000 AND AUTHORIZED THE AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANTS AS REQUESTED BY COUNTY COUNSEL AND THE COUNTY COUNSEL TO EXECUTE ALL NECESSARY CLOSING DOCUMENTS

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 THREE MINUTES. PLEASE STATE AND SPELL 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 MAGGARD REQUESTED ROADS DEPARTMENT ASSIST IN COORDINATING COMMUNICATION WITH APPROPRIATE RAILROAD CONTACT TO FACILITATE REPAIR OF RAILROAD CROSSING AT THE INTERSECTION OF NORRIS ROAD AND PEGASUS

CHAIRMAN RUBIO ASKED FOR CLARIFICATION ON BOARD ACTION TAKEN DURING THE TUESDAY, FEBRUARY 5, 2008, AFTERNOON SESSION UNDER ITEM NO. 9 (COMMUNITY RECYCLING & RESOURCE RECOVERY, INC.) RELATED TO SPECIFIC ACTIONS TO BE COMPLETED BY AUGUST 15, 2008; SUPERVISOR MABEN RESPONDED

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department
Miscellaneous
S.D. #1

CA-3) Request to Terminate Agreement No. 434-2005 with Cotton/Bridges/Associates, a Division of P & D Consultants for planning services for the Kern River Valley Specific Plan Environmental Impact Report (Fiscal Impact: None) - APPROVED; AUTHORIZED DIRECTOR TO SEND A FIVE-DAY NOTICE TO TERMINATE AGREEMENT

Maben-Watson: All Ayes

All S.D.’s

CA-4) Response to referral from July 5, 2005, to report back regarding City of Bakersfield development proposals in close proximity to public access easements within adjacent County boundaries (Fiscal Impact: None) - RECEIVED AND FILED REPORT

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department
S.D. #1

CA-5) Proposed Agreement with the City of McFarland to provide Community Development Block Grant (CDBG) funds for McFarland Community Center Renovation Improvements, CD No. 16.04.7, in an amount not to exceed $390,000 (Fiscal Impact: $390,000; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 071-2008

Maben-Watson: All Ayes
S.D. #5

CA-6) Proposed Agreement with the City of Arvin to provide CDBG funds for Arvin Street Reconstruction Improvements, Phase VI, CD No. 12.07.1, in an amount not to exceed $207,002 (Fiscal Impact: $207,002; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 072-2008

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #1

CA-7) Request for release of Laborers and Materialmen Security for Tract 6054, Phase 3, DeWalt Corporation for Denela, LLC (Fiscal Impact: None) - RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. 2124574, UNDERWRITTEN BY INSURANCE COMPANY OF THE WEST, IN THE AMOUNT OF $296,078

Maben-Watson: All Ayes

CA-8) Request for release of Laborers and Materialmen Security for Tract 6054, Phase 4, DeWalt Corporation for Denela, LLC (Fiscal Impact: None) - RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. 2124575, UNDERWRITTEN BY INSURANCE COMPANY OF THE WEST, IN THE AMOUNT OF $394,545

Maben-Watson: All Ayes

S.D. #2

CA-9) Request to set public hearing to consider levying assessments for Zone of Benefit Nos. 1, 2, 3 and 5 within County Service Area No. 63, and proposed Resolution of intention to extend Zone of Benefit Nos. 1, 2, 3 and 5, Tract 6201, located south of Orange Street and east of 30th Street West, Rosamond (Fiscal Impact: $11,625; CSA's; Budgeted; Mandated) - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; SET PUBLIC HEARING FOR TUESDAY, APRIL 1, 2008, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO THE PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED; ADOPTED RESOLUTION 2008-032

Maben-Watson: All Ayes
CA-10) Request to approve final map for Tract No. 6391, approximately 330 feet south of Johnson Road and approximately 330 feet east of Driver Road Alignment, western Rosedale area, Type "A" Subdivision, Smithtech/USA, Inc. for Dre Development I (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2008-033 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 OWNERS 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); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Watson: All Ayes

CA-11) Request for release of Laborers and Materialmen Security for Tract 6028, Smithtech, USA for Heath Road Partners, LLC (Fiscal Impact: None) - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. 2124604, UNDERWRITTEN BY INSURANCE COMPANY OF THE WEST, IN THE AMOUNT OF $675,328

Maben-Watson: All Ayes

CA-12) Request for release of Laborers and Materialmen Security for Tract 6122, The Lusich Company for Delfino Bakersfield, LLC (Fiscal Impact: None) - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. 566050S, UNDERWRITTEN BY DEVELOPERS SURETY AND INDEMNITY COMPANY, IN THE AMOUNT OF $941,299

Maben-Watson: All Ayes

CA-13) Request for release of Laborers and Materialmen Security for Tract 5858, John R. Wilson for JST Smith, Inc., a California Corporation (Fiscal Impact: None) - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY BOND NO. SU5006080, UNDERWRITTEN BY ARCH INSURANCE COMPANY, IN THE AMOUNT OF $133,926

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #3

CA-14) Proposed handicap parking zone along the south side of College Avenue beginning 800 feet west of Cypress Circle, and westerly for 67 feet, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Watson: All Ayes

CA-15) Proposed Contract No. 08004, Job Order Contract with Granite Construction Company for road maintenance/repair in various locations, Bakersfield, in an amount not to exceed $1,000,000 (Fiscal Impact: $1,000,000; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 073-2008

Maben-Watson: All Ayes
WASTE MANAGEMENT
S.D. #5
CA-16) Proposed funding increase for Designated Reserves to provide financial assurance for reclamation of the Arvin Soils Borrow Pit (Fiscal Impact: $159,744; Solid Waste Enterprise Fund; Not Budgeted; Mandated) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER FUNDS TOTALING $159,744 FROM FUND 2380, BUDGET UNIT 8999, INTO FUND 2160 DESIGNATED RESERVE ARVIN SOILS BORROW PIT RECLAMATION ACCOUNT
Maben-Watson: All Ayes

CA-17) Response to referral from May 31, 2005, to report back regarding Construction and Demolition Waste Ordinance (Fiscal Impact: None) - RECEIVED AND FILED
Maben-Watson: All Ayes

18) Report concerning Solid Waste Enterprise Fund Mid-Year Budget Review and Fiscal Forecast Update (Fiscal Impact: None) - RECEIVED AND FILED
Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
CA-19) Proposed response to Grand Jury Report entitled Camp Erwin Owen (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN TRANSMITTAL LETTER
Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division
Hearing
S.D. #5

CA-20) Proposed Resolution and Ordinance granting an amendment to Franchise Ordinance F-412 for Naftex Operating Company to add area at Muller, Malaga and Hermosa Roads and Comanche Drive for pipelines to transport produced natural gas to a collection point (Fiscal Impact: $641 Annual Revenue; Not Budgeted; Discretionary) - CONTINUED TO TUESDAY, FEBRUARY 26, 2008, AT 2:00 P.M.
Maben-Watson: All Ayes

S.D. #1

CA-21) Change Order No. 3 for the kitchen and laundry reroof at Lerdo, an increase of $32,825, for a new total of $1,209,058, and to allow for additional time (1650.7026.04) (Fiscal Impact: $32,825; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Maben-Watson: All Ayes
S.D. #2

CA-22) Change Order No. 4 for the HVAC, roofing, and seismic upgrade at Mojave Substation/Courts building, an increase of $1,478, for a new total of $816,939, and to allow for additional time (1650.7099.06) (Fiscal Impact: $1,478; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Maben-Watson: All Ayes

S.D. #3

CA-23) Request for ratification of emergency escalator repair at William Thomas Terminal (Fiscal Impact: $100,700; Airports Enterprise Fund; Budgeted; Discretionary) - RECEIVED AND FILED REPORT; RATIFIED ACTION OF ASSISTANT COUNTY ADMINISTRATIVE OFFICER FOR GENERAL SERVICES TO ISSUE PURCHASE ORDER; ADOPTED RESOLUTION 2008-034 AUTHORIZING ASSISTANT COUNTY ADMINISTRATIVE OFFICER TO WAIVE ADVERTISING AND BIDDING PROCEDURES
Maben-Watson: All Ayes

S.D. #5

CA-24) Proposed establishment of the Juvenile Hall Water Storage Tank project, in the amount of $10,000 (Fiscal Impact: $10,000; General Fund; Not Budgeted; Discretionary) - APPROVED; ESTABLISHED PROJECT WITHIN MAJOR MAINTENANCE BUDGET UNIT 1650 AND APPROVED BUDGET TRANSFER
Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

CA-25) Proposed Agreement with the City of Taft for Criminal Justice Information System (CJIS) Access from January 1, 2008, and continuing unless terminated by either the City or the County on thirty (30) days prior written notice, in an amount of $840 annual revenue (Fiscal Impact: $840 Annual Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 074-2008
Maben-Watson: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED FEBRUARY 5, 2008

CA-26) Proposed Ordinance adding Section 10.04.169 to Chapter 10.04 of Title 10 of the Kern County Ordinance Code establishing a 35-mile-per-hour speed limit on Kendall Avenue, between College Heights Boulevard and Gateway Boulevard, Bakersfield - ENACTED ORDINANCE G-7666
Maben-Watson: All Ayes

CA-27) Proposed Ordinance adding subsection (262) to Section 10.16.070 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on the north side of Stockdale Highway, Bakersfield - ENACTED ORDINANCE G-7667
Maben-Watson: All Ayes

CA-28) Proposed Ordinance adding Section 10.04.234 to Chapter 10.04 of Title 10 of the Kern County Ordinance Code establishing a 35-mile-per-hour speed limit on Springer Avenue, Bakersfield - ENACTED ORDINANCE G-7668
Maben-Watson: All Ayes
CA-29) Proposed Ordinance amending Section 2.94.060 to Chapter 2.94 of Title 2 of the Kern County Ordinance Code regarding membership of governing board of Kern Health Authority - ENACTED ORDINANCE G-7669
   Maben-Watson: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

CA-30) Budget Transfers - APPROVED NOS. 124 AND 125
   Maben-Watson: All Ayes

CA-31) Minutes for week of January 21, 2008 - APPROVED
   Maben-Watson: All Ayes

CA-32) Miscellaneous Letters and Documents - FILED
   Maben-Watson: All Ayes

CA-33) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
   Maben-Watson: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

34) Request for Closed Session regarding public employee evaluation - Title: County Administrative Officer (Government Code Section 54957) (from 2/5/08 and 2/12/08, Item No. 30 A.M.) -

RECONVENED FROM CLOSED SESSION; ADJOURNED TO THURSDAY, FEBRUARY 14, 2008, AT 1:30 P.M. FOR CLOSED SESSION

Maben-Watson

/s/ Kathleen Krause
Clerk of the Board

/s/ Michael J. Rubio
Chairman, Board of Supervisors
32) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED
   Auditor-Controller-County Clerk

   A) Information Report on 2007-08 Property Tax Administration Costs - Revenue and Taxation Code 95.2
      Clerk of the Board

   B) E-mail from Bob Lerude, Parks Director, re vacancy on Heritage Commission due to death of Victoria Araujo (Copies to each Supervisor and CAO)

   C) Received, certified and transmitted to Recorder for recordation as follows:
      1) Tract Map 6894    S.D. #4
      2) Parcel Map 11118, Phase 2    S.D. #2
      3) Parcel Map 11501, Phase 2    S.D. #3

   Community & Economic Development

   D) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with Ronald Wright and Teresa Wright
      County Administrative Office

   E) Amendment to Administrative Policy and Procedures Manual, Chapter 10, Section 1004, and Administrative and Procedural Rules of the Board of Supervisors resulting from Board of Supervisors’ direction or statutory changes
      Kern Medical Center

   F) E-mail from Fred Plane re response to referral concerning letter from State Department of Education (DOE) regarding KMC’s filing of a completed audit or an Annual Audit Status Certification with the DOE for Fiscal Year 2006-2007 (Copies to each Supervisor, CAO and Kern Medical Center)
      Local Agency Formation Commission

   G) Resolution No. 08-01, Proceeding No. 1407, in the matter of City of Bakersfield, Annexation No. 472; North of the River Sanitary District No. 1, Annexation No. 63; North Kern Water Storage District, Detachment K Reorganization (Calloway No. 10) (Copies to each Supervisor, CAO and Resource Management Agency)

   H) Resolution No. 08-08, Proceeding No. 1517, in the matter of City of Bakersfield, Annexation No. 590 (Union No. 14) (Copies to each Supervisor, CAO and Resource Management Agency)

   I) Resolution No. 08-02, Proceeding No. 1523, in the matter of City of Tehachapi, Annexation No. 81 (Copies to each Supervisor, CAO and Resource Management Agency)

   J) Resolution No. 08-03, Proceeding No. 1519, in the matter of City of Bakersfield, Annexation No. 526 (Fairfax No. 2) (Copies to each Supervisor, CAO and Resource Management Agency)
K) Resolution No. 08-04 in the matter of Amendment of Sphere of Influence: North of the River Sanitary District (Copies to each Supervisor, CAO and Resource Management Agency)

Probation

L) Minutes of meeting from Kern County Juvenile Justice Coordinating Council held Wednesday, November 21, 2007

Treasurer-Tax Collector

M) Pooled Cash Portfolio Analysis for month ended December 31, 2007

Miscellaneous

N) Letter from Veleta Wilson, Verizon Wireless, re Fresno MSA Limited Partnership (U-3005-C) installation and maintenance of new microwave dish at cell site Mojave, 20973 Songbird Road, Mojave (APN 224-275-0004) (Copies to each Supervisor, CAO, Planning and Property Management)

O) Letter from Todd Gilman, State Board of Equalization, re Taxpayers’ Bill of Rights Hearings on Tuesday, February 26, 2008, and Tuesday, March 18, 2008 (Copies to each Supervisor, CAO and Assessment Appeals)

P) Letter from Glenn Welker, State Department of Corrections and Rehabilitation, Plata Support Division, re notice of intent to lease office space at 5509 Young Street, Bakersfield (Copies to each Supervisor, CAO and Property Management)

Q) Letter from Lois M. Clonts re concerns about Isabella Dam (Copies to each Supervisor, CAO, Engineering & Survey Services and Fire)

R) E-mail and letter from Steve Gaines, Save Mart Supermarkets, re their relationship with Community Recycling’s composting facility in Lamont (Copies to each Supervisor, CAO, Engineering & Survey Services, Environmental Health, Planning and County Counsel)

S) E-mail from Diana McKeen, Apple Valley Municipal Services, re Community Recycling’s composting facility in Lamont (Copies to each Supervisor, CAO, Engineering & Survey Services, Environmental Health, Planning and County Counsel)

T) E-mail from R. A. Pena re requirements for Director of Animal Control (Copies to each Supervisor, CAO and Resource Management Agency)

U) E-mail from Darcy Horton in opposition to request from Rick Medina to rezone property at 1575 Olive Drive, Bakersfield (Copies to each Supervisor, CAO, Planning and County Counsel)

V) Notice from U.S. Federal Energy Regulatory Commission, re California Department of Water Resources and the City of Los Angeles, Project 2426-208, request and order granting rehearing for further consideration (Copies to each Supervisor, CAO, Resource Management Agency and County Counsel)
W) Notice from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses from: Babe's Sports Bar, 4108 Lake Isabella Boulevard, Bodfish; California Market, 701 E. California Avenue, Bakersfield; and Tacos Los Amigos, 2105 Edison Highway, Suites P5 & P6, Bakersfield (Copies to each Supervisor, CAO and Planning)

X) Notice from Antelope Valley-East Kern Water Agency, re hearing on Tuesday, March 11, 2008, to amend rules and regulations for distribution of water (Copies to each Supervisor, CAO and Resource Management Agency)

Y) Situation Report from U.S. Army Corps of Engineers re Lake Isabella Dam (Copies to each Supervisor, CAO, Resource Management Agency, Engineering & Survey Services, Office of Emergency Services, Emergency Medical Services, Fire and County Counsel)

Z) Agenda of meeting from California Regional Water Quality Control Board, Lahontan Region, re meeting on Wednesday and Thursday, February 13 and 14, 2008 (Copies to each Supervisor and CAO)

AA) Minutes of meeting from Kern County Commission on Aging on Monday, November 19, 2007

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

A) Claims (2) in the matter of Kenneth Gonder vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

B) Claim in the matter of Gerald Lattimer vs. Kern County, et al - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

C) Claim in the matter of Falvia Lattimer vs. Kern County, et al - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

D) Claim in the matter of Anthony Teague vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

E) Notice of Entry of Judgment in the matter of Lowell Lueck vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

F) Notice of Assignment to Judge and Notice of Case Management Conference in the matter of John Pace vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

G) Summons and complaint in the matter of Grace Brown vs. Kern County, et al - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)