

CITY COUNCIL AGENDA

Tuesday, November 16, 2004 7:30 PM

MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET

PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS

This is the time the public may address the Council on items other than those scheduled on the agenda. **PLEASE FILL OUT A SPEAKER INFORMATION CARD. SPEAK DIRECTLY INTO THE MICROPHONE AND BEGIN BY STATING YOUR NAME AND ADDRESS. EACH PERSON AND SUBJECT IS LIMITED TO A 3-MINUTE DISCUSSION.** Any person or subject requiring more than three minutes may be scheduled for a future Council meeting or referred to committee or staff. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that item is being considered.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

PUBLIC HEARINGS

1. [2004 Housing Element \(Amendment to the 2003 Housing Element\)](#)

R. Lata, Community Development Director

Consider continuing the open public hearing regarding an amendment to the Housing Element to address concerns of the State Department of Housing, and Community Development (HCD). CONTINUED FROM OCTOBER 19, 2004

OPTIONS:

- a. Continue the open public hearing to the City Council meeting of December 7, 2004.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

2. [Municipal Code Amendment 04-004: Refinements to Oak Tree Preservation Ordinance \(City-initiated\)](#)

R. Lata, Community Development Director

Consider closing a continued open public hearing and tabling an update to the City's Oak Tree Preservation Ordinance. (The Planning Commission held a series of discussions on the Oak Tree Preservation Ordinance and concluded that a revision to the City's Code at this time may not be warranted.) CONTINUED FROM SEPTEMBER 21, 2004

OPTIONS:

- a. Table consideration of Code Amendment 04-004.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

3. [Appeal of Notice and Order for 1234 Pine Street by the Property Owner](#)

R. Lata, Community Development Director

Consider appeal of a Notice and Order issued for a leaning building at 1234 Pine Street. (Property is a 120-year old wood, framed building. The City's assessment shows that the building is leaning and rotating four inches, exceeding limits set by code for this type of building.) CONTINUED FROM OCTOBER 19, 2004

OPTIONS:

- a. For the City Council to confirm the Notice and Order by directing the property owner to cause an assessment of the building by December 14, 2004. Further, should an assessment demonstrating that the building does not constitute a potential hazard not be filed with the Building Division on or before December 14, 2004, that the lower floor be posted by the Building Division and vacated until such time as an assessment is provided.
- b. Cause a complete assessment to be conducted by the City with the cost of such becoming a tax lien on the property. Further, should the assessment determine the building to be a hazard to the public, that staff initiate the process to abate the public safety hazard by demolishing the building with the cost of abatement becoming a tax lien upon the property.
- c. Amend, modify, or reject any of the above option.

ROLL CALL VOTE

4. [Demolition 04-010 – Determination of Historic or Architectural Significance of an Existing House at 911 21st Street for Demolition Permit Application \(Applicant: Andre Lekai\)](#)

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of an existing house located at 911 21st Street. (Council has the discretion to make a final determination as to the subject building's historic or architectural significance prior to the processing of a demolition permit.)

OPTIONS:

- a. Determine that the existing house at 911 21st Street is not of historic or architectural significance, and direct that the demolition permit application be processed.
- b. Determine that the existing house at 911 21st Street is of historic or architectural significance, and delay processing of the demolition permit application for six months.
- c. Request additional information/analysis after identifying what is needed, and continue the open public hearing to a specific date, such as the next regularly scheduled meeting on December 7, 2004.
- d. Amend, modify, or reject the above options.

ROLL CALL VOTE

5. [Rezone 04-007 \(Applicant: North Coast Engineering / Woody Woodruff\)](#)

R. Lata, Community Development Director

Consider rezoning property for conformance with the City's General Plan. (Property is located at the northwest corner of Creston and Rolling Hills Road. Subject parcels are currently zoned Office Professional [OP]; the General Plan calls for high density multi-family residential.)

OPTIONS:

- a. (1) Conclude that there is no need for any additional environmental analysis in conjunction with the proposed rezone since the rezone was anticipated in the Final EIR that was certified on December 16, 2003 and find that the proposed rezone would be consistent with the City's General Plan and conclude that the City's Planned Development process would provide adequate tools through which the City can insure that the proposed use of the property can be accommodated on this site without having an adverse effect on adjacent properties and that the proposed design would insure that the density can be accommodated through sensitive site and building design; **and**
- (2) Introduce for first reading Ordinance No. XXX N.S. approving the Rezone; and set December 7, 2004, as the date for second reading of said ordinance.
- b. Find that although the proposed rezone would be consistent with the City's General Plan that it would be premature to consider the rezone at this time in the absence of substantiating evidence that the proposed rezone can be accommodated on this site without having an adverse effect on adjacent properties and that the proposed design would insure that the density can be accommodated through sensitive site and building design.
- c. Amend, modify, or reject the foregoing options.

ROLL CALL VOTE

6. [Code Amendment 02-007 - Update of City Sign Ordinance](#)

R. Lata, Community Development Director

Consider Planning Commission's recommendation regarding an update to the City's sign ordinance. **CONTINUED FROM OCTOBER 19, 2004**

OPTIONS:

- a. (1) Adopt Resolution No. 04-xx adopting a Negative Declaration for Code Amendment 02-007; and
- (2) Introduce and hold first reading of Ordinance No. XXX N.S. to approve Code Amendment 02-007 (Sign Ordinance); and set December 7, 2004, as the date for adoption of said ordinance.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

7. [Mitigated Negative Declaration and Airport Master Plan Approval](#)

M. Williamson, Interim Public Works Director

Consider approving the Mitigated Negative Declaration and Master Plan Update for the Municipal Airport. (The Airport Master Plan anticipates future expansion of airport facilities in response to demand and availability of Federal funding. It is designed to anticipate the maximum feasible future operational capacity of the Airport within Council's adopted vision as a regional airport.)

OPTIONS:

- a. (1) Adopt Resolution No. 04-xx adopting the Mitigated Negative Declaration for the Airport Master Plan; **and**
 - (2) Adopt Resolution No. 04-xx adopting the updated Airport Master Plan.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS 8 - 23 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

8. [Approve City Council minutes of November 2, 2004](#)

D. Fansler, City Clerk

9. [Approve Warrant Register: Nos. 51161 – 51320 \(10/29/04\) and 51321 – 51488 \(11/05/04\)](#)

M. Compton, Administrative Services Director

10. Receive and file Advisory Body Committee minutes as follows:

[Airport Advisory Committee meeting of September 23, 2004](#)

[Housing Authority meeting of October 13, 2004](#)

11. [Adopt Resolution No. 04-xx declaring certain City property surplus \(vehicles\).](#) (City vehicles are replaced in accordance with approved replacement schedule. The vehicles identified in Exhibit A of the resolution are no longer being used by the City. Once declared surplus, property will be sold by public auction, bid or sale.)

M. Compton, Administrative Services Director

12. [Continue City's banking services relationship with Heritage Oaks Bank for an additional five years beginning January 1, 2005.](#) (Council's ad hoc committee on banking services recommends continuing the 10-year banking relationship with Heritage Oaks Bank.)

M. Compton, Administrative Services Director

13. [Adopt Resolution No. 04-xx accepting the Irrevocable and Perpetual Offer of Dedication for road purposes over the southerly 50 feet of Lot 33 of the Prospect Heights subdivision in order to accommodate the extension of Montebello Oaks Drive from Tract 2571 to Union Road.](#) (Applicants: Devere Durr, Robert Hill, Robert Dalby, et al.)
R. Lata, Community Development Director
14. [Adopt Resolution No. 04-xx accepting the Irrevocable and Perpetual Offer of Dedication for of a variable width easement for public road purposes adjacent to the north side of Montebello Oaks Drive in Tract 2571; and adopt Resolution No. 04-xx for a 30-foot wide easement for public road purposes along the west side of Arciero Way in Tract 2573.](#) (Applicant: Conrad Langille.)
R. Lata, Community Development Director
15. [Adopt Resolution No. 04-xx accepting the recordation of Tract 2571 and approving the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements; and adopt Resolution No. 04-xx annexing Tract 2571 into the Landscape and Lighting District.](#) (Applicants: Doya Partners, LLC. This is a 35-lot subdivision of a 19.5-acre site located along the easterly extension of Montebello Oaks Drive from the east boundary of Montebello Estates [Tract 2369] to Union Road and the southerly extension of Arciero Way to Montebello Oaks Drive.)
R. Lata, Community Development Director
16. [Adopt Resolution No. 04-xx authorizing the Mayor to enter into an agreement with Joe and Steve Pahler for the construction of a new sewer line west of Vine Street; and to reimburse the Pahlers a portion of the construction costs of the new sewer line based upon the number of properties served beyond the Pahler property.](#) (The sewer line and appurtenances constructed by the Pahlers west of Vine Street benefit the City by replacement of an existing deteriorated sewer that currently serves 13 properties to the west of the Pahler property.)
R. Lata, Community Development Director
17. [Adopt Resolution No. 04-xx awarding a construction contract for \\$35,700 to low-bidder Thiessen Construction to repair earthquake damages to the Centennial Park gymnasium.](#) (Bids for the gymnasium repairs were solicited under the Purchasing and Payment procedures for projects under \$100,000. At the bid opening on October 7th, two bids were received: one for \$49,895.92 and the other for \$35,700.)
M. Williamson, Interim Public Works Director
18. [Adopt Resolution No. 04-xx appropriating \\$35,000 to Budget Account No. 217.910.5452.767 to complete the Sherwood Industrial Park Drainage Study; and authorizing the City Manager to enter a contract with Boyle Engineering for \\$29,488 to prepare a comprehensive analysis of the Sherwood Industrial Park Watershed.](#) (A comprehensive study is proposed to analyze reoccurring flooding in the Sherwood area. A Request for Proposals was issued to 13 firms. Boyle Engineering was the only responsive bid.)
M. Williamson, Interim Public Works Director
19. [Adopt Resolution No. 04-xx appropriating \\$20,000 to Budget Account No. 220.910.5352.766, and awarding a contract for \\$16,430 to Cannon & Associates for a permanent wellhead and pipeline alignment feasibility study for Tower Road Well.](#) (In May 2004, Council awarded a construction contract to drill this well. The next phase of the project is to design the permanent wellhead and to determine the alignment for the pipeline to connect the well to the City's water system. A Request for Proposals for the engineering services was issued to 14 firms. Five responded with bids ranging from \$16,430 to \$45,400.)
M. Williamson, Interim Public Works Director

20. [Dissolve the ad hoc committee regarding amendments to the newsrack ordinance.](#) (Although the work of the committee is unfinished, it is recommended that the committee be dissolved and another appointed at a future date if/when appropriate.)
R. Lata, Community Development Director
21. [Extend the ad hoc committee regarding traffic calming issues to April 19, 2005.](#) (As the work of the committee is not yet complete, it is requested that the committee be extended.)
M. Williamson, Interim Public Works Director
22. [Extend the ad hoc committee formed to formulate scope of Community Facilities Districts \(CFDs\) and related tools to ensure fiscal neutrality to June 21, 2005.](#) (As the work of the committee is not yet complete, it is requested that the committee be extended.)
R. Lata, Community Development Director
23. [Extend the ad hoc committee formed to review General Plan Housing Element policy issues to December 21, 2004.](#) (As the work of the committee is not yet complete, it is requested that the committee be extended.)
R. Lata, Community Development Director

DISCUSSION

24. [Request to Remove Oak Tree – Tract 2609 \(Harrod Builders\)](#)
R. Lata, Community Development Director

Consider a request to remove one 31-inch diameter Blue Oak tree. (Applicant Harrod Development has submitted a Tract Map to subdivide an 8.5-acre parcel into 20 lots for single-family residential development located on the north side of Meadowlark Road, between Beechwood Drive and Oriole Way . The oak tree proposed for removal is in the path of a new street planned within the subdivision.)

OPTIONS:

- a. Adopt Resolution No. 04-xx approving the oak tree removal request based on the tree having significant structural problems, including the high potential for limb and whole trunk failure; and require replacement ratio of five 1.5-inch diameter Blue Oak trees (or other combination of larger diameter trees totaling 7.5 inches) to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

25. [Request to Initiate Specific Plan Process \(Olsen Ranch\)](#)
R. Lata, Community Development Director

Consider a request from property owners for the City to initiate and take the lead role in preparing the Olsen Ranch Specific Plan and related environmental documentation. (Applicants: Olsen, Goulart, and Wynne families. The Beechwood Annexation area includes three different property ownerships and covers 249 acres. The Olsen Ranch constitutes about 200 of the 249 acres. The City's adopted General Plan requires that a Specific Plan be prepared prior to granting any new entitlements for development.)

OPTIONS:

- a. Direct staff to initiate the Specific Plan process for the Olsen Ranch Annexation, including issuance of a Request for Proposals with the intent of selecting a qualified consultant to prepare the Olsen Ranch Specific Plan and Environmental Impact Report (EIR). Council would reserve the right to approve the final scope of work, consultant services contract, and to consider making the appropriation to advance the funds for the Specific Plan and EIR.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

26. [Request to Initiate Specific Plan Process \(Beechwood\)](#)

R. Lata, Community Development Director

Consider a request from property owners in the Beechwood Annexation area for the initiation and preparation of a Specific Plan for their geographic area. (Applicants: Mike Harrod and Tom Erskine. The Beechwood Annexation area includes 13 different properties under multiple ownerships and covers 235 acres. The City's adopted General Plan requires that a Specific Plan be prepared prior to granting any new entitlements for development.)

OPTIONS:

- a. For the City Council to direct staff to initiate preparation of the Beechwood Specific Plan, with the City contracting for both the Specific Plan and EIR, and directing staff to work closely with the property owners to incorporate one or more of their land use scenarios as a part of the specific plan process. Staff would be further directed to issue a Request for Proposals with the intent of selecting a qualified consultant to prepare the Specific Plan and EIR that would accompany the Beechwood Annexation. City Council would reserve the right to approve the final scope of work, consultant services contract, and to make the appropriation advancing funds for the Specific Plan and EIR.
- b. For the City Council to authorize Mike Harrod and Tom Erskine to proceed with preparation of the Beechwood Specific Plan, with the scope of work to be based on the attached "Exhibit A" (Scope of Work). City staff would, in turn, be directed to work closely with the property owners and their consultant to structure a cohesive Specific Plan program that incorporates the required opportunities for public input and coordination with other public agencies. Staff would be further directed to issue a Request for Proposals with the intent of selecting a qualified consultant to prepare the EIR that would accompany the Beechwood Annexation. City Council would reserve the right to approve the final scope of work, consultant services contract, and to make the appropriation advancing funds for the EIR.
- c. Same as option "b" above, except that the property owners would be required to post a cash deposit in the amount of the costs of the EIR and estimated City staff review, analysis and processing prior to the work proceeding on the EIR and City participation in the Specific Plan process.
- d. Amend, modify, or reject the foregoing options.

ROLL CALL VOTE

27. [Downtown Alley Closure – 801 12th Street \(Mastagni\)](#)

R. Lata, Community Development Director

Consider closure of a portion of the alley located behind 801 12th Street for ten weeks, beginning November 22, 2004. (This closure request is made for the safe excavation for building foundations and underground utilities for the new three-story building being constructed at this location. Shoring will be installed for the protection of the crews working in the excavation. Automobile traffic in the adjacent alley could affect the integrity of the adjacent shoring.)

OPTIONS:

- a. Authorize the issuance of an encroachment permit by the Public Works Department and authorize the City Engineer to approve the request for closure of the portion of the alley north of 801 12th Street.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

28. [Support for Amendment of Enforcement Sections of the Americans with Disabilities Act and California Civil Code Sections 43 through 53](#)

D. Monn, City Building Official

Consider requesting State and Federal reconsideration of the enforcement sections pertaining to violations of the Americans with Disabilities Act. (Legislation has been introduced at the Federal level that would provide the opportunity for property owners to correct alleged violations of the ADA prior to commencement of civil actions.)

OPTIONS:

- a. Adopt Resolutions Nos. 04-xx and 04-xxx and direct staff to file them with the appropriate Federal and State agencies and political representatives.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

29. [Fiscal Neutrality Requirement for New Development Projects](#)

R. Lata, Community Development Director

Consider authorizing conditions of approval requiring new residential development to implement the fiscal neutrality policy contained in the General Plan. (On October 19, 2004, Council adopted Goals and Policies for public finance, establishing a basis for forming Community Facilities Districts [CFDs]. CFDs are a tool through which the City can achieve "fiscal neutrality" for services, i.e., off-setting adverse financial impacts on the residents of Paso Robles from new residential development.)

OPTIONS:

- a. Direct staff to request the Planning Commission to establish a condition of approval on all new residential developments for the property owner to participate in a Community Facilities District for the purposes of at least addressing the incremental costs of City services. This would apply to any new discretionary approval considered by the Planning Commission following November 16, 2004, including applications currently on file, but not yet heard by the Planning Commission.
- b. Direct staff to request the Planning Commission to establish a condition of approval on all new residential developments for the property owner to participate in a Community Facilities District for the purposes of at least addressing the incremental costs of City services. This would apply to any complete application for a new residential development received by the City after November 16, 2004.
- c. Amend, modify, or reject the foregoing options.

ROLL CALL VOTE

30. [Final Exterior Architectural Scheme for Fire Station No. 2 Remodel / Rehabilitation](#)

R. Lata, Community Development Director

Consider approving the final exterior architectural scheme for the remodel/rehabilitation of Fire Station No. located at 235 Santa Fe Road. (In September 2004, Vitetta Architecture was retained to design the rehabilitation/addition of the Sherwood Fire Station [referred to as Fire Station No. 2]. In November, Vietta submitted four different exterior elevation alternatives to the Development Review Committee, and the DRC recommends approval of Alternative No. 2.)

OPTIONS:

- a. Adopt Alternative No. 2 as the final architectural design for the exterior elevations for the Fire Station No. 2 rehabilitation/remodel.
- b. Adopt an Alternative other than Alternative No. 2.
- c. Request the architect to supply additional elevation schemes and bring them back to Council for further review.
- d. Amend, modify, or reject the foregoing options.

ROLL CALL VOTE

31. [Design Services for Pipelines in South River Road](#)

M. Williamson, Interim Public Works Director

Consider awarding a design contract for water and sewer pipelines in South River Road and appropriate funding for installation of the waterline. (As part of the 13th Street Bridge Widening project, it is expected that South River Road, south of Creston Road, will be closed to through traffic in the summer of 2005. Concurrent with the closure, installation of the oversized water and sewer pipelines in South River Road in accordance with the City's

adopted Water & Sewer Master Plans is proposed. A budget was adopted for the sewer pipeline upgrade; however, no budget has yet been approved for the waterline. To accomplish the waterline project simultaneously with the sewer line, funds must be appropriated. A Request for Proposals was issued for the water and sewer pipeline design to three firms. All three firms responded, with URS Corporation submitting the lowest bid.)

OPTIONS:

- a. (1) Adopt Resolution No. 04-xx awarding a design contract for \$14,500 to URS Corporation to upsize the water and sewer lines in South River Road per the City's Water & Sewer Master Plans; and
- (2) Appropriate \$1,200,000 to install a 16-inch diameter waterline in South River Road per the Master Plan under Budget Account No. 220.910.5452.765.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

32. [Utility Billing Software Replacement](#)

M. Compton, Administrative Services Director

Consider appropriating funds to upgrade the City's utility billing (sewer and water) software. (The City's current software was developed and installed in 1994. Consistent with Council's adopted Information Systems Strategic Plan, this upgrade would offer improved service to customers, enhance statistical and data reporting and e-commerce capabilities, as well as ease conversion to and management of a monthly billing cycle.)

OPTIONS:

- a. Adopt Resolution No. 04-xx approving a budget appropriation in the amount of \$90,000 from the General Fund, Sewer Operations Fund, and the Water Operations Fund for the upgrade of utility billing system software.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

CITY MANAGER

33. [Schedule Date for Applicant Interviews/Appointments - Planning Commission](#)

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Planning Commission.

3 vacancies – 8 applicants: 3-year regular terms expiring December 31, 2007

Applicants

James Cole
Margaret Holstine
Michael Menath
Pat McMahan

David Nicklas
Edward Steinbeck (incumbent)
Charles Treach
Christie Withers

OPTIONS:

- a. Select Thursday, December 16, 2004, (or a suitable alternative date) for conducting interviews and making appointments to the Planning Commission.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

34. [Equipment Replacement - Ad Hoc Committee Formation](#)

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to review a request by the Public Works Fleet Superintendent to early retire one piece of equipment and accelerate the replacement of a different piece of equipment.

OPTIONS:

- a. Appoint a two-member ad hoc committee to review a vehicle replacement request, and report back to the full Council by January 18, 2005.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

VOICE VOTE

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session item only.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

a. Conference with Legal Counsel – Anticipated Litigation

Subdivision (b) of Government Code Section 54956.9

Significant exposure to litigation (facts and circumstances not known to adverse party)

Number of cases: One

ADJOURNMENT: to THE CITY HOLIDAY PARTY AT 6:00 PM ON FRIDAY, DECEMBER 10, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET; TO THE VICTORIAN VINE STREET EVENT AT 6:00 PM ON SATURDAY DECEMBER 11, 2004; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 7, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

All persons desiring to speak on an agenda item are asked to fill out **Speaker Information Cards** and place them at the Staff Table prior to public discussion of that item. Each individual speaker will be limited to a presentation total of three (3) minutes per item.

AMERICANS WITH DISABILITIES ACT Any individual, who because of a disability needs special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (805) 237-3960. Whenever possible, requests should be made four (4) working days in advance of the meeting.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT
REGULAR COUNCIL MEETING IS NOVEMBER 24, 2004***