

**CITY COUNCIL MINUTES**  
**Tuesday, November 16, 2004 7:30 PM**

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

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**7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

Led by Scout Nick Alexander, Boy Scouts of America, Troop 101

**INVOCATION**

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

**PUBLIC COMMENTS** - None

**AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager Jim App announced that staff recommends Agenda Item No. 1 be continued and No. 2 be laid on the table.

**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

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue this item to December 7, 2004.

Motion passed by unanimous voice 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

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to table consideration of Code Amendment 04-004.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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

Mayor Mecham opened the public hearing. Speaking from the public were John Costarella, Chris Iversen, Dale Gustin, and Ron French. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to confirm the Notice and Order by directing the property owner to cause an assessment of the building by January 4, 2005. Further, should an assessment demonstrating that the building does not constitute a potential hazard not be filed with the Building Division on or before January 4, 2005, that the lower floor be posted by the Building Division and vacated until such time as an assessment is provided.

Motion failed by the following roll call vote:

AYES: Finigan and Picanco  
NOES: Heggarty, Nemeth, and Mecham  
ABSTAIN: None  
ABSENT: None

Councilmember Nemeth, seconded by Mayor Mecham, moved to confirm the Notice and Order by directing the property owner to cause an assessment of the building by December 21, 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 21, 2004, that the lower floor be posted by the Building Division and vacated until such time as an assessment is provided.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, and Mecham  
NOES: Heggarty and Picanco  
ABSTAIN: None  
ABSENT: None

**4. Demolition 04-010 – Determination of Historic or Architectural Significance of an Existing House at 911 21<sup>st</sup> 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 21<sup>st</sup> 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.)

Mayor Mecham opened the public hearing. Speaking from the public was Andre Lekai. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to determine that the existing house at 911 21<sup>st</sup> Street is not of historic or architectural significance, and direct that the demolition permit application be processed.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner, James "Jocko" Cutter, Dale Gustin, and Woody Woodruff. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to 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.

Motion failed by the following roll call vote:

AYES: Finigan and Nemeth  
NOES: Heggarty, Picanco, and Mecham  
ABSTAIN: None  
ABSENT: None

Mayor Mecham, seconded by Councilmember Heggarty, moved 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.

Motion passed by the following roll call vote:

AYES: Finigan, Heggarty, Picanco and Mecham  
NOES: Nemeth  
ABSTAIN: None  
ABSENT: None

**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

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-242 adopting a Negative Declaration for Code Amendment 02-007.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

Councilmember Nemeth, seconded by Councilmember Finigan, moved to 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.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

## **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.)

Mayor Mecham opened the public hearing. Speaking from the were Chuck Miller There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-243 adopting the Mitigated Negative Declaration for the Airport Master Plan and Resolution No. 04-244 adopting the updated Airport Master Plan.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

## CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. There were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 8 - 23 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Agenda Item No. 12 and Warrant Register Items Nos. 051273, 051430, and 051471 due to a possible conflicts of interest.

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. 04-245 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. 04-246 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. 04-247 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. 04-248 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. 04-249 accepting the recordation of Tract 2571 and approving the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements; and adopt Resolution No. 04-250 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. 04-251 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. 04-252 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 7<sup>th</sup>, 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. 04-253 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. 04-254 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

*Council adjourned for a 15-minute recess at 9:00 PM.*

**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.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner and Mike Menath. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-255 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.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. Speaking from the public were Jeffrey Wagner (eda-design professionals), Ray Allen, and Neil Olsen. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to 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.



Motion passed by the following roll call vote:

AYES: Heggarty, Nemeth, and Picanco  
NOES: Finigan and Mecham  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner and Christie Withers. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to direct staff to initiate preparation of a combination Specific Plan for both the Olsen Ranch and the Beechwood Annexation, structured under one umbrella, as was done with the Borkey Area Specific Plan.

Motion failed by the following roll call vote:

AYES: Heggarty and Picanco  
NOES: Finigan, Nemeth, and Mecham  
ABSTAIN: None  
ABSENT: None

Councilmember Nemeth, seconded by Councilmember Picanco, moved to contract with one consultant to prepare both the Olsen Ranch and Beechwood Annexation Environmental Impact Reports (EIRs); with the City acting as lead agency on the Olsen Ranch Specific Plan, and with the Beechwood Annexation preparing their own Specific Plan using a consultant of their choice.

Motion failed by the following roll call vote:

AYES: Nemeth and Picanco  
NOES: Finigan, Heggarty, and Mecham  
ABSTAIN: None  
ABSENT: None

Councilmember Nemeth, seconded by Councilmember Picanco, moved to contract with one consultant to prepare both the Olsen Ranch and Beechwood Annexation Environmental Impact Reports (EIRs), with the City acting as lead agency for both the Olsen Ranch and Beechwood Annexation Specific Plans.

Motion failed by the following roll call vote:

AYES: Nemeth and Picanco  
NOES: Finigan, Heggarty, and Mecham  
ABSTAIN: None  
ABSENT: None

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to direct staff to initiate preparation of a specific plan and EIR under one consultant to address the Beechwood and Olsen Specific Plan areas, with the City contracting for both the Specific Plan and EIR; and 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 Olsen-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.

Motion passed by the following roll call vote:

AYES: Heggarty, Nemeth, and Picanco  
NOES: Finigan, and Mecham  
ABSTAIN: None  
ABSENT: None

*Council adjourned for a 10-minute recess at 10:57 PM.*

**27. Downtown Alley Closure – 801 12<sup>th</sup> Street (Mastagni)**

R. Lata, Community Development Director

Consider closure of a portion of the alley located behind 801 12<sup>th</sup> 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.)

Mayor Mecham opened the public hearing. Speaking from the public were Sam Spruill and Mike Gibson. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to authorize the issuance of an encroachment permit by the Public Works Department and authorize the City Engineer to approve the request for reduction of the width of the alley to 13 feet adjacent to 801 12<sup>th</sup> Street, and directed staff to notify all businesses along the alley of Council's decision.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. Speaking from the public was Mike Gibson. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolutions Nos. 04-256 and 04-257 and direct staff to file them with the appropriate Federal and State agencies and political representatives.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. Speaking from the public were Tom Hardwick and Christy Gabler (North Coast Engineering). There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to 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.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved adopt Alternative No. 2 as the final architectural design for the exterior elevations for the Fire Station No. 2 rehabilitation/remodel.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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 13<sup>th</sup> 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.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-258 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 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.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 04-259 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.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**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	David Nicklas
Margaret Holstine	Edward Steinbeck (incumbent)
Michael Menath	Charles Treach
Pat McMahan	Christie Withers

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

It was the consensus of Council to set Monday, December 13, 2004, at 7:00 p.m. for interviewing and making appointments to the Planning Commission.

**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.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

It was the consensus of Council to appoint Councilmembers Nemeth and Picanco to an ad hoc committee to review a vehicle replacement request, and report back to the full Council by January 18, 2005.

**COUNCIL COMMENTS** - None

**PUBLIC COMMENT ON CLOSED SESSION** – None

*City Attorney Iris Yang announced Council's authority to go into closed session to discuss the item listed on the agenda.*

*Council moved to adjourn from regular session at 11:48 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.*

**CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

*Council returned to Regular Session at 12:14 AM on Wednesday, November 17, 2004.*

## RETURN TO OPEN SESSION

### CLOSED SESSION REPORT

*City Attorney Yang announced that Council received an update from the City's negotiator on the Closed Session item, and there was no reportable action.*

*By unanimous voice vote, Council moved to adjourn from regular session at 12:15 AM on Wednesday, November 17, 2004.*

**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.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: December 7, 2004