

## **REGULAR MEETING – CITY COUNCIL**

**-DECEMBER 18, 2006-**

Regular meeting of the City Council was held on Monday, December 18, 2006 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:15 P.M. by the Council President.

Roll Call showed the following members present: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Robin Muksian-Schutt, Director of Administration; Michael Glucksman, City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

Minutes of the last meeting were dispensed with and stand approved as recorded.

Mayor Laffey appeared to give his farewell speech. He stated how humbled he is to have been Mayor of the City of Cranston for the past four years. He thanked the citizens of the City for doing their part in bringing the City back from financial crisis and moving the City forward. He also thanked former Director of Administration Paul Grimes and current Director of Administration Robin Muksian-Schutt and all the other people who have served during his term.

### **I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS**

#### **Citations for:**

***Edgewood Eagles 2006 Sr. Midget Football Team and the Pee Wee Football Team.***

George Nadell, President of Edgewood Eagles, appeared to speak and thanked the Council for the Citations and also for all the support given to both teams.

Council Vice-President McFarland, Councilman Livingston and Council President Garabedian presented Citations to the members of both teams and their coaches.

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## **II. EXECUTIVE COMMUNICATIONS**

### **“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR JEFFREY J. WALL, CRANSTON FIRE DEPARTMENT”**

On motion by Councilman Livingston, seconded by Council Vice-President McFarland, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

## **III. COUNCIL PRESIDENT COMMUNICATIONS**

### **“REPORT ON HIRING OF SPECIAL COUNSEL, CONSULTANTS, ETC., PURSUANT TO CHARTER SECTION 15.05”**

No discussion.

### **“PROPOSED AMENDMENT TO COUNCIL RULE 18”**

Councilman Fung questioned if under Robert’s Rules, if it is appropriate to approve this amendment without going through the Rules Committee.

Council President Garabedian stated that at this time, he wishes to withdraw this amendment.

## **IV. COUNCIL MEMBER COMMUNICATIONS**

Council Vice-President McFarland presented a plaque to outgoing Council Member Fogarty and thanked her for her service to the City and to the citizens of the City.

Councilman Lanni presented a plaque to outgoing Councilman McDonough and thanked him for his service to the City and to the citizens of the City.

Councilman Barone presented a plaque to outgoing Councilman Fung and thanked him for his service to the City and to the citizens of the City.

Mayor-Elect Michael Napolitano requested to be given the opportunity to address the Council. He presented to the Council invitations for the Inauguration. He also stated that he has been paying out of pocket expenses for his secretary for the transition, but he will bear that cost. There are other expenses he has incurred for such items as advertisements for department head positions. Mayor Laffey has advised him that there are no funds in the budget for the transition and he must go to the Council. He is present this evening to ask if the Council can appropriate money for these expenses. He stated that past Administrations were provided with funds to pay for transition expenses. Ms. Schutt stated that there is funding in the budget that could be used for transition expenses. This money is in the “Restitution Fund” and she mentioned this to Attorney DiChiro of the transition team, last week. Council President Garabedian asked Mr. Napolitano to forward any bills to Mr. Igoe and this will be taken care of.

**V. PUBLIC HEARINGS**

**Emilio Navarro**, 61 Autumn St., appeared to speak in favor of “Resolution preventing future flooding along the area/areas of Janet Dr.” He also stated that Fordson Ave., a small area of Garden St. in Ward 2 also has flooding problems.

**Thomas Cloonen**, 24 Richland Rd., appeared to speak in favor of “Resolution requesting that the Building Inspector issue a permit for temporary parking in the Domestic Bank parking lot”.

**Timothy Dodd, Esq.**, appeared to speak regarding “Resolution requesting that the Building Inspector issue a permit for temporary parking in the Domestic Bank parking lot” and to represent Domestic Bank. Councilman Lanni asked Attorney Dodd if anything has changed in regards to the time schedule he was to provide. Attorney Dodd stated, no, nothing has changed, but from what is in the letter of December 14<sup>th</sup> and December 15<sup>th</sup> from Domestic Bank. Council Member Fogarty stated that she has some concerns with some wording in the letter. Council President Garabedian stated that before any action is taken on this Resolution, he suggests taking the letters of December 14<sup>th</sup> and December 15<sup>th</sup> and hold another meeting to address any issues that may have come up. Council Member Fogarty stated that her concern with the letters is that if Domestic Bank does not get Zoning approval, the Bank still wants to stay in the parking lot. At the Ordinance Committee meeting, it was decided that there was going to be a definite schedule. Council President Garabedian stated that the Bank is aware that there is a time frame and we should take this up in January, after holding one more meeting. Councilman Barone stated that we need to impose the two-hour parking restriction, in order to show the residents that we are doing something. The residents have come here again this evening asking for our help and we are giving them nothing. Council Vice-President McFarland stated stressed to Attorney Dodd to stress to his client to get it done or the City will put in residential parking and to stick to the time frame. Councilman Barone stated that if this has been a problem since 1999, thirty more days is not going to make a difference. If residential parking is implemented, you are only going to cause a problem in another neighborhood. We need to get the Bank to maximize the use of the lot. Council President Garabedian stated that what he would like to see is that the neighbors take the three page letter submitted by Attorney Dodd and evaluate it and then meet again to see what they would like happen and get their input.

**Ed Angilly**, 28 Richland Rd., appeared to speak and questioned if Mr. Baker will attend that meeting. Council President Garabedian stated that his attorney will be present and Mr. Baker does not have to attend, but if he would like to attend, he will be welcomed. Mr. Angilly stated that what he sees and has seen is Mr. Baker has stalled for years and looks for every possible way to stall. He would like to see that if Zoning is not approved, they already have an alternate plan approved.

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## **VI. DOCKETED RESOLUTIONS**

### **“RESOLUTION PREVENTING FUTURE FLOODING ALONG THE AREA/AREAS OF JANET DR.” (Sponsored by Councilmen Fung and Barone).**

Councilman Fung stated that he introduced this Resolution at the recommendation of former Fire Chief Warren.

Councilman Livingston suggested referring this Resolution to the Flood and Drainage Study Commission.

On motion by Councilman Livingston, seconded by Council Member Bucci, it was voted to refer this Resolution to the Flood Commission.

#### Under Discussion:

Councilman Fung stated that it is ridiculous to refer this Resolution to the Flood Commission. Resolutions have never been referred before. Council President Garabedian stated it is not playing games. The Flood Commission will be dealing with all flood issues dealing with the City, and there will be a joint remediation committee formed with Senator Reed and the Town of Johnston to address issues of the Pocasset River.

Councilmen Fung and Barone withdrew this Resolution.

Councilman McDonough urged the Council not to withdraw this Resolution and refer it to the Flood Commission. He stated that he serves on the Claims Committee and this Committee has never seen Janet Dr. as a flood problem area.

Resolution was withdrawn and referred to the Flood and Drainage Study Commission.

### **“RESOLUTION REQUESTING THAT THE BUILDING INSPECTOR ISSUE A PERMIT FOR TEMPORARY PARKING IN THE DOMESTIC BANK PARKING LOT”. (Sponsored by Council President Garabedian).**

Withdrawn by Council President Garabedian.

## **VII. REPORT OF COMMITTEES**

### **COMMITTEE ON ORDINANCE (Paula McFarland, Chair)**

#### **10-06-4 “ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Rules for Operation of City Buildings and Public Property)”**

On motion by Councilman Barone, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Fogarty was not present for roll call vote.

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### **11-06-4 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO LEASE OFFICE SPACE IN BASEMENT OF 1090 CRANSTON ST., CRANSTON, RI (CCAP Lease basement level)”**

On motion by Council Vice-President McFarland, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -8. Councilman Barone was not present for roll call vote..

### **11-06-6 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Park Ave. and Elsie St.)”**

On motion by Councilman Livingston, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -8. Councilman Barone was not present for roll call vote.

### **COMMITTEE ON FINANCE (Cynthia M. Fogarty, Chair)**

#### **Report from City Council Internal Auditor on the Financial Status of the City**

Mr. Woerner gave summary of financial status of the City as of November 30, 2006. He stated that the good news is the City is at a breakeven point this year. The bad news is some of the revenues, such as Real Estate base (Real Estate Recordings) are running below budget, as expected. Also, there is an issue with the levy of 2% less than expected, in approximately \$2 million. Council President Garabedian asked for explanation of what happened as far as the levy. Mr. Woerner stated that the 2% less expected could have been adjustments in exemptions or any number of reasons.

Mr. Baron stated that the State Legislature changed the auto exemption after the City passed its budget. That caused approximately \$600,000 reduction in our levy for auto, but we will be reimbursed by the State. We get the preliminary numbers from the Assessor’s Office as we go through the budget process. What the Assessor’s Office neglected to do was up the exemption portion to correspond with the new value in Real Estate, as a result of the revaluation. Council President Garabedian asked if there is a way to avoid that happening again. Mr. Baron stated that essentially, there was a new office, since the former Assessor retired. There were a number of things that occurred during this time. The former City Assessor retired and it took two months to replace him and he had two surgeries and was out sick for two months.

Council Vice-President McFarland stated that she does not see how the gap would be \$2 million. She finds this very hard to believe. She indicated that if this is the case, that error occurred during the Budget Address. Councilman Lanni stated that he can’t believe that we pay someone a salary of \$125,000 a year and he did not find this prior to the last Council meeting of the year. He would like to see documentation as soon as possible of how this happened. He suggested that the Auditor General be asked to come in and look at our books.

Council President Garabedian asked Mr. Woerner to state to the Council to the best of his ability, the funds he feels are in a surplus position and provide a report outlining what our current status is and if there are any shortfalls and what he thinks should be addressed in the next six months and to have the responsible individual come before the Council.

Council Member Fogarty stressed to the Council members that it is their duty to look at the financial reports that are provided to them monthly. She had questioned the projected shortfall when the first report came out.

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### **“2006 ANNUAL AUDIT REPORT FROM KOSTIN, RUFFKESS & COMPANY”**

On motion by Council Member Fogarty, seconded by Councilman Fung, it was voted to approve this report with the understanding that no financials be changed. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

### **“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”**

On motion by Councilman Barone, seconded by Councilman Fung, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

### **“RESOLUTION MOTOR VEHICLES TAX ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”**

On motion by Councilman Barone, seconded by Council Member Fogarty, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

### **10-06-5 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT 49 TAYLOR RD.”**

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to remove the above Ordinance from the table. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman McDonough -1.

On motion by Councilman Livingston, seconded by Council Member Bucci, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman McDonough -1.

### **11-06-2 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE EASTERN CRANSTON RECREATIONAL IMPACT FEES FOR UPGRADES AND RENOVATIONS TO THE DORIC AVE. PLAYGROUND”**

Councilman Livingston stated that the title of the Ordinance states “Doric Ave. Playground”, which is an error. He asked that this Ordinance be withdrawn and a new Ordinance be introduced with the correct title.

Ordinance was withdrawn.

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**11S-06-1      “ORDINANCE AUTHORIZING THE PAYMENT OF FLOOD CLAIMS FROM THE SEWER FUND.”**

On motion by Council Member Fogarty, seconded by Council Member Bucci, it was voted to adopt the above Ordinance.

Under Discussion:

Council Member Fogarty questioned if this Ordinance is to pay for water flood claims from the Sewer Fund. Councilman McDonough stated that adopting this Ordinance would move the funds from the Surplus to the current flood to pay for claims. Council Vice-President McFarland stated that approximately three months ago, the Council requested that the Solicitor review the sewer lease contract and no one has reviewed it and the Council has received no feedback on this. Council President Garabedian stated that if this Ordinance is not approved, we will not be able to pay claims that the Claims Committee approved to be paid. If it is found that Veolia Water is responsible for paying these claims, we can ask for reimbursement for these claims from Veolia Water. Council Member Bucci asked for Solicitor’s opinion regarding this Ordinance before passing it. Mr. Glucksman stated that he conferred with Mr. Quinlan and they reviewed this Ordinance and they have no objections or problems.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen McDonough, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, and Council President Garabedian -7. Councilman Fung and Council Vice-President McFarland were not present for roll call vote.

**“TAX INCENTIVE APPLICATION FOR JOHANA REALTY LLC. FOR AUTO PAINT RI, 47 STAMP FARM RD.”**

On motion by Councilman McDonough, seconded by Councilman Barone, it was voted to approve the above Tax Incentive Application.

Under Discussion:

Councilman Livingston motioned to deny this application, since a new Mayor will be coming in and it should be heard then. Council Member Fogarty stated that the Ordinance setting the process for Tax Incentive Applications is approved by the Council and the Mayor does not have anything to do with it. Councilman Lanni asked Director of Economic Development to speak regarding this application. David Maher, Director of Economic Development, stated that the incentive will be up after the first five years. This tax incentive will be assessed only on the new building. Councilman Barone asked how long this company has been in business. Mr. Maher stated that this business been in this location for six years and prior to that, they were located in Warwick.

Roll call was taken on motion to approve and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**COMMITTEE ON PUBLIC WORKS  
(John E. Lanni, Jr., Chair)**

**11-06-1      “ORDINANCE IN AMENDMENT OF TITLE 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘STREETS, SIDEWALKS AND PUBLIC PLACES’ (Petition for Abandonment of Highway)”**

On motion by Councilman Lanni, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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### **COMMITTEE ON SAFETY SERVICES & LICENSES COMMITTEE (John E. Lanni, Jr., Chair)**

#### **10-06-1       “ORDINANCE IN AMENDMENT OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Violation of Posted Tonnage – Marine Dr.)”**

Council President Garabedian recommended referring this Ordinance back to the Safety Services and Licenses Committee for review of information for further studies.

On motion by Councilman Lanni, seconded by Council Member Fogarty, it was voted to refer this Ordinance back to the Safety Services and Licenses Committee. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman McDonough -1.

### **COMMITTEE ON CLAIMS (Kirk McDonough, Chair)**

#### **“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR: Richard Conforti \$22.00; Jacqueline, William and Jae Pezzullo \$775.**

On motion by Councilman McDonough, seconded by Councilman Barone, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 7-0 with 2 abstentions. The following being recorded as voting “aye”: Councilman McDonough, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following abstained: Councilmen Fung and Livingston -2.

## **VIII. ELECTION OF CITY OFFICIALS**

#### **“ARTS COMMISSION – appointments of MARY-ANN S. RICCI and NICHOLAS NOLFI”**

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, it was voted to appoint MARY-ANN S. RICCI, and NICHOLAS NOLFI as members of the *Arts Commission*. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

## **IX. REPORT OF CITY OFFICERS**

Mr. Baron addressed two documents he presented to the Council. One dated September 21, 2006 and one dated December 18, 2006. He indicated that on the document dated September 21, 2006, it shows approximately \$393,800,000, which is the number that was provided in preparation of the budget. Subsequent to all that, on the document dated December 18, 2006, in the third column, exemptions was increased to \$535,392,088. It is that increase in exemptions that caused the revenue shortfall. At the time the budget was acted upon, these figures were not available to his department.



**IXA. OLD BUSINESS**

**3-06-5           “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Phenix Ave. and Lofty Rd.)” Tabled 5/22/2006 and 7/24/2006 City Council.**

City Clerk stated that the Planning Department has stated to her that this Ordinance is schedule to be heard by the Planning Commission on January 3, 2007.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to continue this Ordinance to the January Council meeting. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**5-06-6           “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone – 340 Scituate Ave.)”**

City Clerk stated that the Planning Department suggests that this Ordinance stay on the table, and no action is necessary.

**X. INTRODUCTION OF NEW BUSINESS**

City Clerk read the following introduced items and the Committees and the date referred to for public hearing:

**Public Works Committee – January 11, 2007**

**Petition from Verizon New England for proposed excavation to place approximately 136’ of underground cable in sidewalk area on Strathmore Place.**

**Finance Committee – January 11, 2007**

**12-06-2           Ordinance authorizing the City to utilize Eastern Cranston Police Impact Fees for digital radio infrastructure at new station.**

**Ordinance Committee – January 11, 2007**

**12-06-1           Ordinance naming a new softball field at Joe Ventetuolo Complex as “The David Taft CLCF Softball Field”.**

**City Council – January 1, 2007**

**12-06-3           Ordinance authorizing the City to utilize Eastern Cranston Impact Fees for the acquisition of additional modular rink facility.**

**Claims Committee**

Lawrence Field  
Anthony Monti  
Ronald T. Sears, III  
Josephine Martellini

On motion by Council Member Fogarty, seconded by Councilman Fung, the above items were referred to the respective Committees. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Councilman McDonough abstained.

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**XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK**

- 10-06-6**        **“ORDINANCE IN AMENDMENT OF TITLE 15 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘BUILDINGS AND CONSTRUCTION’ (Certification of Occupancy for Asphalt Cement or Concrete Facilities).” Mayor’s Objections filed 12/6/2006.**
- 10-06-7**        **“ORDINANCE IN AMENDMENT OF TITLE 15 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘BUIDINGS AND CONSTRUCTION’ (Commercial and Industrial Occupancy Permits).” Mayor’s Objections filed 12/6/2006.**

Council President Garabedian stated that he will re-introduce new Ordinances taking in view of the Solicitor’s remarks.

No action was taken on these two Ordinances.

**XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

None.

The meeting adjourned at 10:00 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).