

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 3, 2006
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:01 p.m. The meeting was adjourned by Council President Peters at 3:59 p.m. into Closed Session on Tuesday, April 25, 2006, to discuss pending and potential litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Cannon Allisyn Thomas of St. Paul's Cathedral.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

FILE LOCATION: MINUTES

CLOSED SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *City of San Diego v. D.R. Horton, et al.*
San Diego Superior Court Case No. GIC 777603-1

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 4, 2006

DCA: L. FitzGerald

This case involves an eminent domain action brought to acquire property needed for State Route 56. In closed session, the City Attorney will brief the City Council on the status of the litigation and potential funding options for payment of a judgment in this case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:35 p.m. – 3:35 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-2 Agency negotiator: Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Scott Chadwick, Val VanDeweghe, Jessica Falk Michelli William Gersten

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 4, 2006

DCA assigned: J. Falk Michelli

Discuss with Council the upcoming labor contract negotiations with the Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney Association regarding new labor agreements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:35 p.m. – 3:35 p.m.)

Council President Peters closed the hearing.



ITEM-200: Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-) CONTINUED TO MONDAY, APRIL 17, 2006

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:04 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, APRIL 17, 2006, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-201: Amending San Diego Municipal Code Relating to Inclusionary Housing In-Lieu Fee Regulations.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-81) NOTED AND FILED WITH DIRECTION

Introduction of an Ordinance amending Chapter 14, Article 2, Division 13, of the San Diego Municipal Code by amending Section 142.1310 relating to Inclusionary Housing In-Lieu Fee Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:06 p.m. – 3:08 p.m.)

MOTION BY MADAFFER TO DIRECT THE CITY ATTORNEY, AS REFLECTED IN THE STAFF REPORT, TO AMEND THE SAN DIEGO MUNICIPAL CODE, CHAPTER 14, ARTICLE 2, DIVISION 13, TO ASSESS THE IN-LIEU FEE AT THE DATE THE APPLICATION FOR THE FIRST TENTATIVE MAP OR DEVELOPMENT PERMIT IS DEEMED COMPLETE AND TO REASSESS THE FEE AT CURRENT LEVELS EACH TIME THE DEVELOPER PULLS A PERMIT; NOT WITHIN THREE YEARS OF SUCH DATE. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-nay.



ITEM-202: 2006 Salary Setting Commission's Recommendation.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-709) ADOPTED AS RESOLUTION R-301339

Adopting the determination and recommendations of the Salary Setting Commission, as contained in its letter of recommendation to the Mayor and Council, dated January 30, 2006;

Directing the City Attorney, pursuant to Section 41.1 of the Charter, to incorporate the Commission's recommendation of no salary increase in the annual salary ordinance for Fiscal Year 2007 to be effective July 1, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:09 p.m. – 3:34 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-203: 5540 Lindo Paseo Tentative Map 230006.

Matter of the appeal by 5540 Lindo Paseo, LLC c/o Robin Munro regarding the Planning Commissions' decision to deny an application for a Tentative Map to convert twenty one existing apartment units to condominium ownership and a waiver from the requirement to underground existing adjacent overhead utilities. The project is located on an 11,935 square foot site at 5540 Lindo Paseo between Hardy Avenue and Montezuma Road, in the RM-3-9 zone within the College Community Plan Area.

(College Community Plan Area. District 7.)

(Continued from the meeting of March 21, 2006, Item 332, at the request of Councilmember Young, due to lack of time.)

NOTE: Hearing open. No testimony taken on 3/21/2006.

STAFF'S RECOMMENDATION:

Adopt the following resolution to approve the project and approve the appeal of the Planning Commission's decision to deny Tentative Map 230006 at Lindo Paseo:

(R-2006-854) GRANTED APPEAL, GRANTED TENTATIVE MAP,
ADOPTED AS RESOLUTION R-301340

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map No. 230006, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 8, 2005, voted 6-0 to deny; no opposition.

Ayes: Garcia, Schultz, Griswold, Ontai, Otsuji, Steele
Not present: Chase

Motion by Garcia to deny staff recommendation as outlined in Planning Commission Report No. PC-05-248. Due to the inability to make finding number two, "Meeting the housing needs for that specific region." The motion was seconded by Steele.

The College Area Community Council has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

The 0.27-acre site is located at 5540 Lindo Paseo, between 55th Street and College Avenue in the RM-3-9 zone, within the College Community Plan area, which designates the site for Fraternity/Sorority uses. The existing improvements were constructed in 1982 and are consistent with the regulations in place at that time. The site is presently developed with one, three story structure containing 21, two-bedroom units. The site also provides 42 tandem off-street parking spaces located in an underground garage. No new construction is proposed with this project. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code.

All utilities serving this property have been undergrounded. The project includes a request to waive the underground requirement for adjacent utilities serving the surrounding properties.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant.

Waring/Halbert/HD

LEGAL DESCRIPTION:

The proposed project site is an 11,935-square foot site at 5540 Lindo Paseo in the RM-3-9 Zone within the College Area Community Plan area, Council District 7.

NOTE: This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

Staff: Helene Deisher - (619) 446-5223

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:35 p.m. – 3:59 p.m.)

Testimony in favor by Robin Monroe and Malcolm Davies.

MOTION BY ATKINS TO ADOPT THE RESOLUTION TO GRANT THE APPEAL AND GRANT THE TENTATIVE MAP. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-ineligible, Hueso-yea.



ITEM-204: Levanto.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Site Development Permit, Planned Development Permit, Tentative Map with Easement Vacations and Rezone from CV-1-1 to RM-2-4, Parking Impact Overlay, and inclusion in the Residential Tandem Parking Overlay Zones. The project would consist of the demolition of an existing 96 room motel with a 7,000 square foot restaurant, and the construction of 100 residential condominium units with amenities on a 5.672 acre site at 4545 Waring Road within the Navajo Community Plan Area.

(Project No. 51049. MND/MMRP/CPA-PG&GP Amendment No. 154627/RZ No. 147058/SDP No. 147056/PDP No. 297522/TM No. 147057/Easement Vacation No. 310703. Navajo Community Plan Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2006-774) CONTINUED TO MONDAY, APRIL 24, 2006

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 51049, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a tentative map, site development permit for environmentally sensitive lands, planned development permit, community plan amendment and rezone for the Levanto project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-775) CONTINUED TO MONDAY, APRIL 24, 2006

Adoption of a Resolution amending the Navajo Community Plan, a copy of which is on file in the Office of the City Clerk;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-103) CONTINUED TO MONDAY, APRIL 24, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing a 5.67 acres site, located at 4545 Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the CV-1-1 Zone (formerly known as the CR Zone), into the RM-2-4 Zone and the Residential Tandem Parking Overlay Zone, as defined by San Diego Municipal Code Sections 131.0406 and 132.0901, and repealing Ordinance No. O-11582 (New Series), adopted May 8, 1975, Ordinance No. O-9632 (New Series), adopted May 25, 1967, and Ordinance No. O-9794 (New Series) adopted April 11, 1968, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2006-776) CONTINUED TO MONDAY, APRIL 24, 2006

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Site Development Permit No. 147056/Planned Development Permit No. 297522;

Granting Site Development Permit No. 147056/Planned Development Permit No. 297522 to William Lyon Homes, Inc., and Good Nite Inn San Diego, Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2006-777) CONTINUED TO MONDAY, APRIL 24, 2006

Adoption of a Resolution certifying findings with respect to Tentative Map No. 147057 and Easement Vacation No. 310703, supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code Section 66499 and Section 66343, the easements granted to the City of San Diego per Book 2430, recorded June 18, 1947, Book 7325, Recorded October 29, 1958, Easements on Map 6287 and 5995 located within the project boundaries as shown on Tentative Map No. 147057 with Easement Vacation No. 310703, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Tentative Map No. 147057 and Easement Vacation No. 310703 is granted to William Lyon Homes, Inc. and Good Nite Inn San Diego, Applicant/Subdivider, and Lundstrom and Associates, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on February 16, 2006, voted 6-1-0 to recommend approval of the project with the direction to look at creative ways to provide affordable housing on site.

The applicant has agreed to pay the in-lieu fee for affordable housing at the time of building permit issuance. The fee is anticipated to rise to approximately \$8.50 per square foot of living space on July 1, 2006; no opposition.

Ayes: Ontai, Steele, Schultz, Garcia, Griswold, Otsuji

Nays: Chase

The Navajo Community Planners, on May 16, 2005, voted 14-2-1 to recommend approval of the project with no conditions.

STAFF SUPPORTING INFORMATION:

The subject project would demolish existing structures and construct a 100-unit residential condominium complex on an approximately 5.672 acre site located at 4545 Waring Road in the Navajo Community Plan Area. This site is located on the southern border with the College Community and is in the Grantville Redevelopment Project area. The site is currently developed with a 33,471 square foot motel and restaurant, built in 1969. Access to the subject property is from Adobe Falls Road.

To the south of the project site is a concrete-lined drainage channel (Alvarado Creek) with disturbed vegetation along its south-facing slope. Currently the southeastern edge of the site is located in the identified 100-year flood plain. A project component would grade the entire site to raise the elevation of the southeastern portion two feet above the 100-year floodplain level.

The development would include deviations to development regulations for setbacks, retaining wall height, encroachments into required yards and building height. None of these deviations have been determined to have significant impacts per the California Environmental Quality Act. A Mitigated Negative Declaration was prepared for this project and identified the potential for noise impacts which will be mitigated through the submittal of an acoustical study and noise attenuation barriers for balconies facing Interstate 8 and Waring Road.

FISCAL CONSIDERATIONS:

None with this action. The costs associated with the processing of this project are covered by the applicant. The project includes the vacation of existing sewer and general easements and the granting of new easements to accommodate relocated public utilities. The easements being vacated were granted at no cost to the City.

KEY STAKEHOLDERS:

William Lyon Homes, Inc.; Law Offices of Cindy Eldred

Halbert/Halbert/JT

LEGAL DESCRIPTION:

The proposed project site is a developed 5.7 acre site at 4545 Waring Road. The existing motel and restaurant would be demolished. The project is located within the Parking Impact Overlay, the Navajo Community Plan area, and Council District 7.

Staff: Jeannette Temple – (619) 557-7908
Shannon Thomas – Deputy City Attorney

NOTE: This item is not subject to Mayor’s veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:05 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, APRIL 24, 2006, FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval – Orange Blossom Park.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Orange Blossom Park” (T.M. No. 179255/PTS No. 81800), located on the north side of Orange Avenue between Highland Avenue and 45th Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval – 4387 Illinois Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4387 Illinois Street” (T.M. No. 141649/PTS No. 82682), located on the east side of Illinois Street between Meade Avenue and El Cajon Boulevard in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk.

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval – 1657-1663 Bacon Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1657-1663 Bacon Street” (T.M. No. 169906/PTS No. 91636), located on the east side of Bacon Street between Santa Cruz Avenue and Coronado Avenue in the Ocean Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: **Notice of Pending Final Map Approval – Elan Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Elan Condominiums” (T.M. No. 150622/PTS No. 87783), located on the west side of Decena Street between Twain Avenue and Vandever Avenue in the Navajo Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



ITEM-S400: Appointment to the San Diego City Employees Retirement System Board of Administration (SDCERS).

(See memorandum from Mayor Sanders dated 3/1/2006.)

(Continued from the meeting of March 28, 2006, Item 332, at the request of Council President Peters, to continue appointment of Wayne Kennedy, to allow for his presence at the Council meeting.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-839) ADOPTED AS RESOLUTION R-301341

Council confirmation of the following appointment by the Mayor of the City of San Diego to serve as a member of the San Diego City Employees Retirement System Board of Administration:

<u>NAME</u>	<u>TERM ENDING</u>
V. Wayne Kennedy (La Jolla, District 1) (replacing James B. G. Hearty, who has resigned)	March 31, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:06 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 3:59 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:59 p.m.)