

Council Meeting - Minutes

CITY COUNCIL CALENDAR

Chambers of the City Council Municipal Building *Thursday, October 27, 2016 – 7:02 p.m.*

PRESENT: Council President Morad, Councillors Abreu, Bousquet, Carney, Coelho, Gomes, Lopes, Martins, Oliveira, and Rebeiro.

LATE: No One

LATE: No One	
ABSENT: Councillor Winterson	
Council President Morad called the meeting to order and	presided.
Prayer Led By: Reverend Christopher Morck, Grace Epis	copal Church.
Councilor Carney led the Assembly in the Pledge of Alle	giance to the flag.
COMMUNICATION, Councillor Winterson, to Membe	rs of the City Council, informing that he will be absent
for the City Council Meeting on Thursday, October 27, 2016, due	to previously scheduled commitment.
Received and Placed on File.	(#1910)
HEARING, First Assistant City Solicitor, to City Cou	uncil, pursuant to an Order of the City Council dated
September 8, 2016, submitting a proposed Order for the Alteration	on of Rivet Street at South Front Street and at terminus,
for the purpose of improving turn radius at the subject intersection	ns.
Received and Placed on File.	(#1911)

CITY OF NEW BEDFORD IN CITY COUNCIL

OCTOBER 27, 2016

Resolved, that the common necessity and convenience of the inhabitants of the New Bedford require an alteration of the Rivet Street at South Front Street and at terminus.

This alteration requires the taking of publicly owned land more particularly described as follows:

Alteration #1 (a/k/a Permanent Easement PE 02):

Beginning at a point on the Westerly sideline of Rivet Street, thence

S 76° 06' 39" W a distance of 7.81 feet to a point on easterly sideline of JFK Highway

By a curve turning to the left, having a radius of 2998.00 feet and a length of 24.01 feet, to a point, thence

By a curve turning to the right, having a radius of 12.00 feet and a length of 7.25 feet, to a point, thence

By a curve turning to the right, having a radius of 50.00 feet and a length of 17.83 feet, to the point of beginning.

The above described road alteration contains an area of 114 square feet, more or less, and is more particularly shown as "PE 02" on a plan entitled. "LAYOUT ALTERATIONS RIVET STREET AT SOUTH FRONT STREET & AT TERMINUS NEW BEDFORD, MA. Scale 1" – 20", dated August 24, 2016, prepared by Kevin Hanley, PLS.

Alteration #2 (a/k/a) Permanent Easement PE 04

Beginning at a point on the westerly sideline of Front Street, at the intersection with the southerly sideline of Rivet Street, thence

By a curve turning to the left, having a radius of 1544.00 feet and a length of 32.49 feet to a point, thence S 89° 39′ 35″ W a distance of 5.00 feet to a point, thence

N 0° 23' 39" W a distance of 9.08 feet to a point, thence

By a curve turning to the left, having a radius of 22.18 feet and a length of 15.17 feet to a point, thence By a curve turning to the left, having a radius of 50.00 feet and a length of 3.79 feet to a point, thence N 86° 04' 34" E a distance of 10.02 feet to the point of beginning.

The above described road alteration contains an area of 228 square feet, more or less, and is more particularly shown as "PE 04" on a plan entitled: "LAYOUT ALTERATIONS RIVET STREET AT SOUTH FRONT ST & AT TERMINUS NEW BEDFORD, MA", scale 1"=20', dated August 24, 2016.

No trees on the land taken and no structures affixed and thereto are included in the taking, and the owners of property are allowed sixty (60) days from and after the recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees and structures.

The damages sustained by the owners of property aforesaid is hereby estimated and awarded as compensation in full to them as follows:

EASEMENT	NEW BEDFORD		
OR	ASSESSOR'S		AWARD OF
PARCEL#	PLAT & LOT#	NAME OF SUPPOSED OWNER	DAMAGES
PE 02	25/18	City of New Bedford	\$0
PE 04	25/18	Board of Park Commissioners	
		181 Hillman Street, Building 3	
		New Bedford, MA 02740	

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the award of damages does not relieve the owners of land taken from liability for taxes now uncollected for the fiscal year 2017 or any prior year.

WHEREAS, due notice has given of the intention of the City to take said parcel of land for highway purposes, it is therefore

ORDERED, that the parcels of land heretofore described be and hereby are taken, interest being an easement in said land for highway purposes, under the provisions of General Laws Chapter 82 as a public street or way

of the City of New Bedford, said streets to be known as Rivet Street, according to a plan heretofore referred to in this order, on file in the office of the City Clerk.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order, certified by him, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and top give such other notice as are required by General Laws.

Adopted.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1912)

CERTIFICATE OF VOTE, by the New Bedford Board of Park Commissioners waiving its right to an appraisal and damages, pursuant to M.G.L. c.79,§7A, relating to the permanent easements shown as PE-02 and PE-04 on a plan entitled "Layout Alterations Plan for Rivet Street at South Front Street and at Terminus.

Received and Placed on File.

(#1913)

COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the extension of the Complus Parking Citation Data Processing Contract for an additional five (5) years upon the same terms and conditions that presently exist.

Received and Placed on File.

(#1914)

CITY OF NEW BEDFORD

IN CITY COUNCIL

OCTOBER 27, 2016

ORDERED, that the existing contract for Parking Citation Data Processing between the City of New Bedford and Complus Data Innovations, Inc. dated October 16, 2013, be extended for an additional term of five (5) Years until October 31, 2021 upon the same terms and conditions as presently apply, i.e. \$1.30 per ticket processed. Approval of said extension beyond the initial 3 year term is required by Massachusetts General Laws Chapter 30B.

Adopted.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1915)

COMMUNICATION, Mayor Mitchell to City Council, submitting AN ORDER for the TRANSFER of \$30,000.00 from ZOO, SALARIES & WAGES to ZOO, CHARGES & SERVICES.

Received and Placed on File.

(#1916)

OCTOBER 27, 2016

IN CITY COUNCIL

ORDERED, that the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) now standing to the credit of	the
account from ZOO SALARIES AND WAGES be and the same is hereby transferred and appropriated to as follows:	

ZOO CHARGES AND SERVICES......\$30,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1917)

COMMUNICATION, Mayor Mitchell to City Council, submitting AN ORDER for the TRANSFER of \$30,000.00 from AIRPORT, SALARIES & WAGES to AIRPORT, CHARGES & SERVICES.

Received and Placed on File.

(#1918)

CITY OF NEW BEDFORD

IN CITY COUNCIL

OCTOBER 27, 2016

ORDERED, that the sum of **THIRTY THOUSAND DOLLARS** (\$30,000.00) now standing to the credit of the account from **AIRPORT SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

AIRPORT CHARGES AND SERVICES......\$30,000.00

To be certified and approved by the Department Head.

Adopted.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1919)

COMMUNICATION, Mayor Mitchell, to City Council, submitting a one-year Waiver of Residency for RICHARD CALDERON, Fall River, MA, for the position of Assistant Procurement Officer/Buyer with the Purchasing Department.

Referred to the Committee on Appointments and Briefings FAILED – Yeas 2, Nays 8. (Councillors Carney and Rebeiro IN FAVOR.)

Grant One – Year Waiver of Residency – Yeas 8, Nays 2. (Councillors Carney and Rebeiro OPPOSED.)

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1920)

RELATED MOTION, Councillor Carney requesting that the Personal Director, Sandy Vezina, meet with the Committee on Appointments and Briefings to inform the Committee Members of the City of New Bedford's hiring practices.

Referred to the Committee on Appointments and Briefings. (Councillor Oliviera OPPOSED.)

(#1921)

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COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of KATHRYN DUFF, New Bedford, MA to the PLANNING BOARD; this term will expire October 2017.

Rule 38 Waived and Reappointment Confirmed - FAILED - Yeas 7, Nays 3. (Councillors Bousquet, Carney and Rebeiro OPPOSED.) (#1922)

COMMUNICATION, Mayor Mitchell, to City Council, submitting REAPPOINTMENT of PETER CRUZ, New Bedford, MA to the PLANNING BOARD; this term will expire August 2019.

Rule 38 Waived and Reappointment Confirmed – Yeas 10, Nays 0.

(#1923)

COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ALEXANDER KALIFE, New Bedford, MA, to the PLANNING BOARD; this term will expire October 2019.

Rule 38 Waived and Reappointment Confirmed – Yeas 9, Nays 1. (Councillor Bousquet OPPOSED.)

(#1924)

COMMUNICATION, Mayor Mitchell, to City Council, submitting A VETO on October 6, 2016 at 2:23 p.m. of the Private Livery License for Robert M. Barnes, d/b/a R&M Enterprise, Inc.

Veto Received and Ordered spread on the Records – October 13, 2016.

NO FURTHER ACTION.

(#1795)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of Robert M. Barnes, 204 Cedar Street, New Bedford, MA 02740, d/b/a R & M ENTERPRISE, INC., 67 Clifford Street, New Bedford, MA 02745, hereby submits a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (Referred to the Committee on Appointments and Briefings 05/26/2016; Livery License Granted 09/22/2016; VETOED by Mayor Mitchell 10/06/2016; VETO Received and Ordered Spread on the Records 10/13/2016.)

Referred to the Committee on Appointments and Briefings – May 26, 2016.

Livery License GRANTED – Yeas 7, Nays 4. (Councillor Martins, Council President Morad, Councillors Oliveira and Rebeiro OPPOSED.) - September 22, 2016.

Presented to the Mayor for approval September 26, 2016.

VETOED - October 06, 2016.

VETO Received and Ordered Spread on the Records – Octobe	r 13, 2016.
NO FURTHER ACTION.	(#0881)
REPORT, Committee on Memorials and Dedications, reco	ommending to the City Council APPROVAL of
Dedicating and naming the northwest area of Pope's Island, current	•
Navigator" Park.	
Referred to the Special Committee on Memorials and Dedicati	ons. (#1925)
REPORT, Committee on Memorials and Dedications, recom-	nmending to the City Council APPROVAL of the
Department of Public Infrastructure Headquarters being named "The F	Ronald H. Labelle Public Infrastructure Complex, in
honor of the former DPI Commissioner, Ronald H. Labelle, who recer	ntly retired after three decades of service to the City
of New Bedford.	
Recommendation Followed.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 04, 2016.	(#1926)
REPORT, Committee on Appointments and Briefings, recon	nmending to the City Council APPROVAL of the
APPLICATION, Dimex A. Ruiz of Real Blessing Car Care/Ruiz Aut	·
VEHICLE LIGHT SERVICE at 308 Mill Street, New Bedford, MA 02	
Recommendation Followed.	(#1927)
recommendation I onewed.	(11721)
APPLICATION, Dimex A. Ruiz of Real Blessing Car Care/	Ruiz Auto Detailing, for a SPECIAL PERMIT for
MOTOR VEHICLE LIGHT SERVICE at 308 Mill Street, New Bedfor	rd, MA 02740.
Special Permit Granted.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 04, 2016.	(#1928)
REPORT, Committee on Appointments and Briefings, recon	nmending to the City Council APPROVAL of the
APPLICATION AS AMENDED, for Jason Oliver of Cove Road A	auto Sales, for a SPECIAL PERMIT for MOTOR
VEHICLE SALES at 1421 Cove Road, New Bedford, MA 02744.	
Recommendation Followed.	(#1929)
APPLICATION AS AMENDED, Jason Oliver of Cove Road	Auto Sales, for a SPECIAL PERMIT for MOTOR
VEHICLE SALES at 1421 Cove Road, New Bedford, MA 02744.	
Special Permit Granted.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 14, 2016.	(#1930)

REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL of the APPLICATION, Robert E. Hathaway, Jr. of Hathaway Collision Center for a SPECIAL PERMIT for MOTOR VEHICLE BODY REPAIR at 167 Potter Street, New Bedford, MA 02740.

Recommendation Followed.

(#1931)

APPLICATION, Robert E. Hathaway, Jr. of Hathaway Collision Center for a SPECIAL PERMIT for MOTOR VEHICLE BODY REPAIR at 167 Potter Street, New Bedford, MA 02740.

Special Permit Granted.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1932)

REPORT, Committee on Appointments and Briefings recommending to the City Council to take "NO FURTHER ACTION" on behalf of **Douglas Furtado**, 39 Perry Street, **Dartmouth**, **MA 02748 d/b/a IDEAL LIMO**, 439 Bolton Street, New Bedford, MA 02740, hereby <u>resubmitting</u> a copy of the Application requesting a <u>RENEWAL</u> of a **PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. <u>(Previous Application was denied on August 18, 2016; Current License expired August 20, 2016.</u>

Recommendation Followed.

(#1933)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Douglas Furtado**, 39 **Perry Street, Dartmouth, MA 02748 d/b/a IDEAL LIMO**, 439 **Bolton Street, New Bedford, MA 02740**, hereby **resubmitting** a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (**Previous Application was denied on August 18, 2016; Current License expired August 20, 2016.)**(Referred to the Committee on Appointments and Briefings – September 08, 2016.)

Referred to the Committee on Appointments and Briefings – September 08, 2016.

NO FURTHER ACTION.

(#1616)

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REPORT, Committee on Appointments and Briefings, recommending to the City Council APPROVAL on behalf of EDDIE GABBIDON d/b/a APPLE TRANSPORTATION SERVICES, 2110 Phillips Road, New Bedford, MA 02745, hereby submitting a copy of the Application requesting a NEW PRIVATE LIVERY LICENSE, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford.

Recommendation Followed.

(#1934)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **EDDIE GABBIDON d/b/a APPLE TRANSPORTATION SERVICES, 2110 Phillips Road, New Bedford, MA 02745**, hereby submitting a copy of the Application requesting a <u>NEW PRIVATE LIVERY LICENSE</u>, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (Referred to the Committee on Appointments and Briefings – September 22, 2016.)

Referred to the Committee on Appointments and Briefings – September 22, 2016.

New Livery License Granted.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1733)

REPORT, Committee on Finance, recommending to the City Council to accept the Amendment to the City of New Bedford Tax Increment Financing Program Policies and Guidance, Section III (C) (a), as amended as follows: "3. Job Retention and/or creation shall be used as a measure to determined [sic] the value of savings to be offered using the following minimum guidelines: a. the equivalent of five new jobs for every \$1.00 through \$50,000.00 in assessed value of TIF relief. Each new job created under a proposed project shall pay a minimum of 110% of the Commonwealth Minimum wage as of the date of project is submitted for approval;" and further that the City Council forward the amendment to the TIF Board for their consideration.

Recommendations Followed and referred to the TIF Board.

(#1935)

REPORT, Committee on Finance, recommending to the City Council to APPROVE the LOAN ORDER AS AMENDED, in the amount of \$63,000,000.00 to pay for costs of construction of water distribution and treatment systems improvements including, Quittacas Water Treatment Plant upgrades, High Hill Reservoir upgrades, a lead service abatement program, a water meter replacement and advanced metering infrastructure (AMI) upgrade program and general system improvements.

Recommendation Followed.

(#1936)

LOAN ORDER,

Referred to the Committee on Finance – October 13, 2016.

Passed to a Second Reading as Amended.

(#1798)

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REPORT, Committee on Finance, recommending to the City Council APPROVAL of the LOAN ORDER in the amount of \$25,000,000.00 to pay costs of projects outlined in the City's long term CSO Control and Integrated Capital Improvements Plan including supplemental integrated capital planning, wastewater collection system improvements, pumping station improvements, a wastewater collection system investigation program and MS4 permit compliance and reporting and general system improvements.

Recommendation Followed.

(#1937)

LOAN ORDER,

Referred to the Committee on Finance – October 13, 2016.

Passed to a Second Reading.

(#1800)

WRITTEN MOTION, Councillor Lopes, requesting that the Traffic Commission extend the two designated handicap parking spaces in front of the West Beach pavilion by 8 feet in order to accommodate vans that load/unload from the rear. (To be Referred to the Traffic Commission.)

Referred to the Traffic Commission.

(#1938)

WRITTEN MOTION, Councillors Winterson, Abreu, Gomes, Council President Morad, Councillors Martins, Bousquet, Lopes, Carney and Coelho, requesting, that due to the lighting issue at Buttonwood Park, action be taken on Brownell Avenue, from Hawthorn Street to Fuller Memorial Parkway AND Fuller Memorial Parkway, from Brownell Avenue to Rockdale Avenue, to provide more illumination; and further, as many women jog early in the morning and in the evening after working hours, this is a safety issue, especially with daylight savings time about to begin; and further requesting, that alternative forms of lighting be explored, such as solar in an effort to keep all our residents safe. (To be Referred to Scott Durkee, Energy Director, DPI, Zeb Arruda, Commissioner, DPI, Mary Rapoza, Director, Parks, Recreations and Beaches and Patrick Sullivan, Director, Planning Housing and Community Development and CPA Board Members.)

Referred to Scott Durkee DPI Energy Director, DPI Commissioner Zeb Arruda, Director of Parks, Recreation and Beaches Mary Rapoza and Director of Planning, Housing and Community Development Patrick Sullivan.

Presented to the Mayor for approval October 31, 2016.

RETURNED UNSIGNED – November 17, 2016.

(#1939)

WRITTEN MOTION, Councillors Gomes, Bousquet and Abreu, Carney, Coelho, Lopes, Martins, Council President Morad, Councillors Oliveira and Rebeiro requesting, once again that the Administration reconsider and halt all charges that are being considered and already implemented to nonprofit Organizations across the City; and further requesting, that the Administration and Parks, Recreation and Beaches, Director Rapoza appear before the Committee on Appointments and Briefings to discuss this matter; this is the second request being made on behalf of Organizations across the City that give back so much through tourism, scholarships, economic stimulants and more; these charges are devastating to them and possibly could put these nonprofit Organizations into a hardship or close the books on their contributions to the City and cultural activities that have been happening for decades. (To be Referred to the Committee on Appointments and Briefings.)

Referred to the Committee on Appointments and Briefings, and that Park Commissioner Boswell be invited to said meeting – Yeas 9, Nays 0. (Councillor Carney not present for vote.) (#1940)

RELATED MOTION, Councillor Martins, requesting that the City Council Office contact the Cities of Fall River, Boston, Brockton, Quincy and Lowell, to see what their fees or policies are for the Organizations hosting events and that this information be placed on a spreadsheet before the Committee on Appointments and Briefings Meeting discuss the fee motions; and furthermore, that our office supply the City Council with the City's written policy regarding fees for Organizations hosting events in our City.

Adopted. (#1941)

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RELATED MOTION, Councillors Abreu, Bousquet, Carney, Coelho, Gomes, Lopes, Martins, Council President Morad, Councillors Oliveira, Rebeiro and Winterson requesting that Attorney Gerwatowski research and advise the Council regarding the Council's authority to halt the fees for services and events being held within the City of New Bedford currently being implemented by the Mitchell Administration; and further, that the Council impose an Order to Cease and Desist any said fees or charges until such time as the administration and the Council discuss and agree upon a fee schedule.

Adopted – Yeas 10, Nays 0. (#1942)

CITY OF NEW BEDFORD IN CITY COUNCIL OCTOBER 27, 2016

CITY COUNCIL ORDER, ORDERED, that the Mitchell administration CEASE and DESIST any fees or charges for services and events being held within the City of New Bedford until such time that the Administration and Council discuss and agree on a fee schedule.

Adopted.

Presented to the Mayor for approval October 31, 2016.

RETURNED UNSIGNED – November 17, 2016.

(#1943)

WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Public Safety and Neighborhood meet with Police Chief Cordeiro for the purpose of discussing the implementation of using drones to monitor high crime neighborhoods for surveillance across the City, adding another tool in fighting crime; and further requesting, that the drones be used for surveillance and security proposes when the City is holding major events, along with monitoring the City as a whole. (To be Referred to the Committee on Public Safety and Neighborhoods.)

Referred to the Committee on Public Safety and Neighborhoods. (#1944)

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PETITION, Roger Chouinard, 4 Camardo Drive, Wareham, MA 02571 d/b/a PURCHASE STREET RECORDS, 767 Purchase Street New Bedford, MA 02740, requesting that he be granted a Waiver of Residency in accordance with Section 15-18 of the City Code, to obtain a LICENSE TO DEAL IN JUNK, OLD METALS OR ANY OTHER SECOND HAND ARTICLES.

Waiver of Residency Granted – Yeas 9, Nays 0. (Councillor Oliveira not present for vote.)

Presented to the Mayor for approval October 31, 2016.

COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW OF 149 ALLEN STREET, (MAP 41, LOT 147), a late 19th century wood-framed barn/garage structure – advising that "the property is not located in a National Register Historic District; the barn/garage is in poor condition due to extensive deferred maintenance. Restoration or preservation efforts would be impractical due to the existing condition of the structure; "in light of these findings, the Preservation Planner has determined that the barn/structure at 149 Allen Street is neither a Historically Significant nor a Preferably Preserved structure." The Council may wish to note that the owner additionally intends to demolish a small wood-framed addition from 1942 at the rear of the main structure on this lot. Because that building addition is not seventy-five (75) years old, it is not subject to the Demolition Delay Ordinance and is therefore not included in this determination.

Demolition Granted.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1946)

COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Tanya DePina d/b/a COMFORT TRANSPORTATION, LLC, 47 Lauren Drive, New Bedford, MA 02745**, hereby submitting a copy of the Application requesting a **RENEWAL** of a **PRIVATE LIVERY LICENSE**, under the provisions of Massachusetts General Laws, Chapter 159A, Section 1, and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation to carry passengers for hire over the streets of New Bedford. (**Current License expires on November 12, 2016.**)

Renewal of Livery License Granted.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1947)

COMMUNICATION, Maria Tomasia, Board of Election Commissioners, to City Council, submitting the Election Warrant for the Tuesday, November 8, 2016, State Election, the warrant needs to be signed by the majority of the City Council and must be posted on the 7th day prior to the Election date as mandated by M.G.L. c43, §44A, a copy of this warrant will be posted at each polling location.

Received and Placed on File.

(#1948)

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COMMUNICATION, Dennis W. Farias, City Clerk/Clerk of the City Council, submitting a response letter from Daniel Bertoldo, Interim CEO, Greater New Bedford Community Health Center, Inc. regarding the closing of the health center located at the Caroline Street Apartments. (Copy all Councillors 10/12/2016.)

Received and Placed on File.

(#1949)

	WRITTEN	MOTION	, Councillor	Rebeiro	, request	ing, t	hat the	e follo	owing	street(s)	be be	CLOSED	CHA	NCERY
STREE	T, between	Kempton S	Street and Mi	ll Street	, FROM	10:00) A.M.	TO 2	1:00 P	.M., ON	SA	TURDAY	NOV	EMBER
19, 2016	6, for the pu	rpose of Al	DOPT – A -	BLOCK										

Permission Granted.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1950)

CONSTABLE BOND, ROBERT A. LANGEVIN, New Bedford, MA 02740 in the amount of \$5,000.00 with the Western Surety Company.

Approved.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1951)

COMMUNICATION, Rosemary Gil, Executive Director for Programming and Development and Justin T. LaCroix, Executive Director for Production and Facilities for the Zeiterion Theatre submitting the Zeiterion Performing Arts Center 2016-2016 Annual Report.

Received and Placed on File.

(#1952)

COMMUNICATION, Councillor Gomes, submitting a copy of a letter sent to the residents of Cove Road, from County Street, west to Crapo Street, regarding the completion of the permanent parking spaces installed in the area by the Department of Public Infrastructure and the Traffic Commissioner at Councillor Gomes request.

Received and Placed on File.

(#1953)

MINUTES, Board of Assessors, submitting MINUTES of meetings held on September 29 and October 6, 2016.

Received and Placed on File.

(#1954)

MINUTES, Bristol County PHEP Coalition, submitting MINUTES of a meeting held on October 18, 2016.

Received and Placed on File.

(#1955)

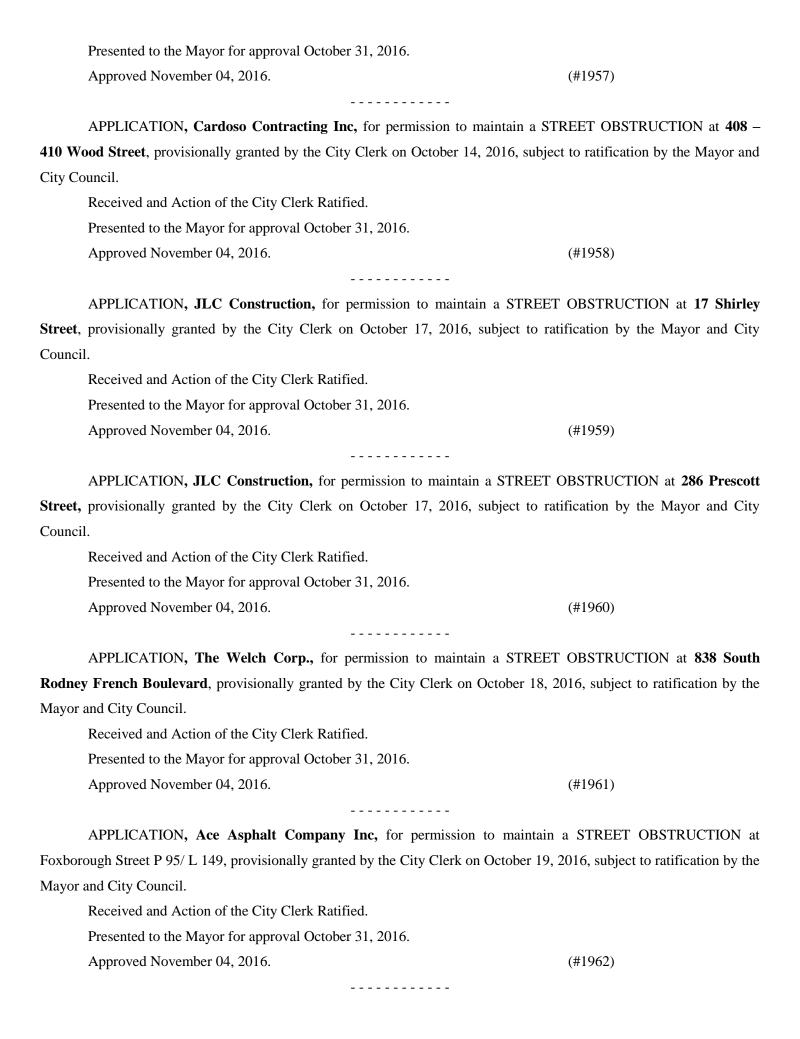
MINUTES, Bristol County PHEP Executive Board, submitting MINUTES of a meeting held on October 18, 2016.

Received and Placed on File.

(#1956)

APPLICATION, **Farland Corp. Inc,** for permission to maintain a STREET OBSTRUCTION at **361 Arnold Street**, provisionally granted by the City Clerk on October 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.



APPLICATION, **MSR Utility Maintenance Corp.**, for permission to maintain a STREET OBSTRUCTION at **Beetle Street**, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1963)

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APPLICATION, **MSR** Utility Maintenance Corp., for permission to maintain a STREET OBSTRUCTION at **Pontiac Street**, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1964)

APPLICATION, **MSR Utility Maintenance Corp.**, for permission to maintain a STREET OBSTRUCTION at **455 County Street**, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1965)

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APPLICATION, **MSR** Utility Maintenance Corp., for permission to maintain a STREET OBSTRUCTION at Sawyer Street/Ashley Boulevard, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1966)

ADDI ICATION MSD Hillity Maintenance Comp. for now

APPLICATION, MSR Utility Maintenance Corp., for permission to maintain a STREET OBSTRUCTION at Arch Street/Clinton Street, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1967)

APPLICATION, **MSR Utility Maintenance Corp.**, for permission to maintain a STREET OBSTRUCTION at **Ashley Boulevard/Sawyer Street**, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council.

	Presented to the Mayor for approval October 31, 2016.	
	Approved November 04, 2016.	(#1968)
	APPLICATION, Cardoso Contracting, Inc., for permis	 ssion to maintain a STREET OBSTRUCTION at 114
South	Street , provisionally granted by the City Clerk on October	
Counc		
	Received and Action of the City Clerk Ratified.	
	Presented to the Mayor for approval October 31, 2016.	
	Approved November 04, 2016.	(#1969)
	APPLICATION, R.J. Canessa Excavating, for permissio	 n to maintain a STREET OBSTRUCTION at Bradford
Street	t, provisionally granted by the City Clerk on October 21,	2016, subject to ratification by the Mayor and City
Counc	cil.	
	Received and Action of the City Clerk Ratified.	
	Presented to the Mayor for approval October 31, 2016.	
	Approved November 04, 2016.	(#1970)
	APPLICATION, Able Asphalt, for permission to main	tain a STREET OBSTRUCTION at 1012 Cherokee
Street	t, provisionally granted by the City Clerk on October 25,	2016, subject to ratification by the Mayor and City
Counc	cil.	
	Received and Action of the City Clerk Ratified.	
	Presented to the Mayor for approval October 31, 2016.	
	Approved November 04, 2016.	(#1971)
	APPLICATION, Cardoso Contracting, for permission	to maintain a STREET OBSTRUCTION at 25 Acorn
Street	t, provisionally granted by the City Clerk on October 26,	2016, subject to ratification by the Mayor and City
Counc	cil.	
	Received and Action of the City Clerk Ratified.	
	Presented to the Mayor for approval October 31, 2016.	
	Approved November 04, 2016.	(#1972)
	APPLICATION, Cardoso Contracting, for permission	to maintain a STREET OBSTRUCTION at 69 - 71
Brool	klawn Street, provisionally granted by the City Clerk on Oc	tober 26, 2016, subject to ratification by the Mayor and
City C	Council.	
	Received and Action of the City Clerk Ratified.	

(#1973)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

APPLICATION, Technical Drilling Services, for permission to maintain a STREET OBSTRUCTION at 435 Mill Street, provisionally granted by the City Clerk on October 26, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1974)

APPLICATION, Technical Drilling Services, for permission to maintain a STREET OBSTRUCTION at 127 Florence Street, provisionally granted by the City Clerk on October 26, 2016, subject to ratification by the Mayor and City Council.

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Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1975)

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APPLICATION, Precision Valley Communications, for permission to maintain a STREET OBSTRUCTION at 101 Co-Op Wharf, provisionally granted by the City Clerk on October 26, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1976)

APPLICATION, Precision Valley Communications, for permission to maintain a STREET OBSTRUCTION at 15 Johnny Cake Hill, provisionally granted by the City Clerk on October 27, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1977)

APPLICATION, Cardoso Contracting, Inc., for permission to maintain a STREET OBSTRUCTION at 2 Landry Street, provisionally granted by the City Clerk on October 27, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1978)

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APPLICATION, **Silva Stamped Concrete**, for permission to maintain a STREET OBSTRUCTION at **39 Susan Street**, provisionally granted by the City Clerk on October 27, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

(#1979)

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APPLICATION, **Farland Corp. Inc.**, to DISTURB THE SURFACE, of **361 Arnold Street**, provisionally granted by the City Clerk on October 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1980)

APPLICATION, Cardoso Contracting, Inc., to DISTURB THE SURFACE, of 408 – 410 Wood Street, provisionally granted by the City Clerk on October 14, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1981)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **17 Shirley Street**, provisionally granted by the City Clerk on October 17, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1982)

APPLICATION, **JLC Construction**, to DISTURB THE SURFACE, of **286 Prescott Street**, provisionally granted by the City Clerk on October 17, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1983)

APPLICATION, **The Welch Corp.**, to DISTURB THE SURFACE, of **838 South Rodney French Boulevard**, provisionally granted by the City Clerk on October 18, 2016, subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1984)

APPLICATION, Ace Asphalt Company, Inc., to DISTURB THE SURFACE, of Foxborough Street P 95/L 149, provisionally granted by the City Clerk on October 19, 2016, subject to ratification by the Mayor and City Council. Received and Action of the City Clerk Ratified. Presented to the Mayor for approval October 31, 2016. Approved November 4, 2016. (#1985)APPLICATION, MSR Utility Maintenance Corp., to DISTURB THE SURFACE, of Beetle Street, provisionally granted by the City Clerk on October 20, 2016 subject to ratification by the Mayor and City Council. Received and Action of the City Clerk Ratified. Presented to the Mayor for approval October 31, 2016. Approved November 4, 2016. (#1986)_ _ _ _ _ _ _ _ _ _ _ _ APPLICATION, MSR Utility Maintenance Corp., to DISTURB THE SURFACE, of Pontiac Street, provisionally granted by the City Clerk on October 20, 2016 subject to ratification by the Mayor and City Council. Received and Action of the City Clerk Ratified. Presented to the Mayor for approval October 31, 2016. Approved November 4, 2016. (#1987)_ _ _ _ _ _ _ _ _ _ _ _ _ APPLICATION, MSR Utility Maintenance Corp., to DISTURB THE SURFACE, of 455 County Street, provisionally granted by the City Clerk on October 20, 2016 subject to ratification by the Mayor and City Council. Received and Action of the City Clerk Ratified. Presented to the Mayor for approval October 31, 2016. Approved November 4, 2016. (#1988)_ _ _ _ _ _ _ _ _ _ _ _ _ APPLICATION, MSR Utility Maintenance Corp, to DISTURB THE SURFACE, of Sawyer Street/Ashley Boulevard, provisionally granted by the City Clerk on October 20, 2016 subject to ratification by the Mayor and City Council. Received and Action of the City Clerk Ratified. Presented to the Mayor for approval October 31, 2016. Approved November 4, 2016. (#1989)APPLICATION, MSR Utility Maintenance Corp, to DISTURB THE SURFACE, of Arch Street/Clinton Street, provisionally granted by the City Clerk on October 20, 2016 subject to ratification by the Mayor and City Council. Received and Action of the City Clerk Ratified. Presented to the Mayor for approval October 31, 2016. Approved November 4, 2016. (#1990)

APPLICATION, MSR Utility Maintenance Corp, to DISTURB THE SURFACE, of Ashley Boulevard/Sawyer Street, provisionally granted by the City Clerk on October 20, 2016 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1991)

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APPLICATION, Cardoso Contracting, to DISTURB THE SURFACE, of **114 South Street**, provisionally granted by the City Clerk on October 21, 2016 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1992)

APPLICATION, **R.J.** Canessa Excavating, to DISTURB THE SURFACE, of Bradford Street, provisionally granted by the City Clerk on October 21, 2016 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1993)

APPLICATION, **Able Asphalt**, to DISTURB THE SURFACE, of **1012 Cherokee Street**, provisionally granted by the City Clerk on October 25, 2016 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1994)

APPLICATION, Cardoso Contracting, to DISTURB THE SURFACE, of **25 Acorn Street**, provisionally granted by the City Clerk on October 26, 2016 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1995)

APPLICATION, Cardoso Contracting, to DISTURB THE SURFACE, of **69 – 71 Brooklawn Street**, provisionally granted by the City Clerk on October 26, 2016 subject to ratification by the Mayor and City Council.

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 4, 2016.

(#1996)

APPLICATION, Technical Drilling Services, to DISTURB T	THE SURFACE, of 435 Mill Street , provisionally
granted by the City Clerk on October 26, 2016 subject to ratification by	the Mayor and City Council.
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 4, 2016.	(#1997)
APPLICATION, Technical Drilling Services , to DISTUR	RB THE SURFACE, of 127 Florence Street.
provisionally granted by the City Clerk on October 26, 2016 subject to	•
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 4, 2016.	(#1998)
APPLICATION, Precision Valley Communications , to DIS	STURB THE SURFACE, of 101 Co-op Wharf,
provisionally granted by the City Clerk on October 26, 2016 subject to	ratification by the Mayor and City Council.
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 4, 2016.	(#1999)
APPLICATION, Precision Valley Communications , to DIST	TURB THE SURFACE, of 15 Johnny Cake Hill.
provisionally granted by the City Clerk on October 27, 2016 subject to	•
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 4, 2016.	(#2000)
APPLICATION, Cardoso Contracting, to DISTURB THE	SURFACE of 2 Landry Street provisionally
granted by the City Clerk on October 27, 2016 subject to ratification by	
Received and Action of the City Clerk Ratified.	the Mayor and City Council.
Presented to the Mayor for approval October 31, 2016.	
Approved November 4, 2016.	(#2001))
APPLICATION, Silva Stamped Concrete, to DISTURB TH	IE SURFACE, of 39 Susan Street, provisionally
granted by the City Clerk on October 27, 2016 subject to ratification by	the Mayor and City Council.
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 4, 2016.	(#2001))
APPLICATIONS, Eversource Gas, to DISTURB THE SURI	FACE, provisionally granted by the City Clerk on

October 20, 2016, subject to ratification by the Mayor and City Council as follows:

Intersection of Parker Street and Cedar Street (#2003)
125 Winterville Road (#2004)
Received and Action of the City Clerk Ratified.
Presented to the Mayor for approval October 31, 2016.
Approved November 04, 2016.

APPLICATIONS, **NSTAR Electric Company d/b/a Eversource Energy,** to DISTURB THE SURFACE, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council as follows:

Bass Street, off Brock Avenue (#2005)
Roosevelt Street, off David Street (#2006)
Nina Street, at Rodney French Boulevard, Portland Street, off Rodney French Boulevard (#2007)
Ricketson Street, off Mina Street (#2008)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

APPLICATIONS, **S & L Roll-Off Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council as follows:

791 Purchase Street (#2009)
791 Purchase Street (#2010)

Received and Action of the City Clerk Ratified.

Presented to the Mayor for approval October 31, 2016.

Approved November 04, 2016.

APPLICATIONS, **ABC Disposal Service**, for permission to maintain a STREET OBSTRUCTION, provisionally granted by the City Clerk on October 20, 2016, subject to ratification by the Mayor and City Council as follows:

644 Kempton Street	(#2011)
206 West Rodney French Boulevard	(#2012)
45 Tallman Street	(#2013)
202 Cedar Street	(#2014)
19 Fielding Street	(#2015)
107 Chancery Street	(#2016)
7 Daniel Street	(#2017)
42 Bonney Street	(#2018)

5 Lincoln Street	(#2019)
51 Seventh Street	(#2020)
108 Nautilus Street	(#2021)
202 Cedar Street	(#2022)
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 04, 2016.	
APPLICATION, S & L Roll-Off Service, for permission to	
granted by the City Clerk on October 20, 2016, subject to ratification	on by the Mayor and City Council as follows:
791 Purchase Street	(#2023)
Received and Action of the City Clerk Ratified.	
Presented to the Mayor for approval October 31, 2016.	
Approved November 04, 2016.	
PETITION, NSTAR Electric Company d/b/a Eversource E	
one (1) Pole and one (1) Pole to be removed in COGGESHALL ST	REET, Opposite Mitchell Street.
Received and Placed on File.	(#2024)
ORDERED,	
Adopted and ordered recorded in Book of Location Order I	Records.
Presented to the Mayor for approval October 31, 2016.	
Approved November 04, 2016.	(#2025)
IT WAS VOTED, on a motion made and duly seconde	ed, Yeas 11, Nays 0, to waive Rule 42 in order to
take up the late file items.	·
COMMUNICATION, Mayor Mitchell, to City Council, would rezone Plot 103/Lot 13 (127 Hathaway Street) from Mixed-U	
Rule 42 Waived – Yeas 9, Nays 0. (Councillor Oliveira not	present for vote.)
VETO Received and Ordered Spread on the Records.	(#2026)
AN ORDINANCE, Rezoning Plot 103/Lot 13 (127 Hathav	
"C". (Passed to a Second Reading - September 08, 2016; Passed	to be Ordained October 13, 2016; Vetoed by Mayor
Mitchell – October 25, 2016.)	

Passed to a Second Reading – September 8, 2016.

Passed, to be Ordained – Yeas 11, Nays 0. – Yeas 11, Nays 0. – October 13, 2016.

Presente	ed to the Mayor for approval October 17, 2	016.	
Vetoed	by Mayor Mitchell on October 25, 2016.		
Rule 42	Waived – Yeas 9, Nays 0. (Councillor Oli	viera not present for vote.)	
VETO I	Received and Ordered Spread on the Recor		(#1609)
COMM	UNICATION, Councillor Martins, subm	itting a Report from the Con	mmittee on Ordinance relative to
Environmental 1	Protection and Economic Development, t	hat appeared on the Septemb	per 22 nd City Council Agenda and
	signed by Mayor Mitchell on October 20,		
Rule 42	Waived – Yeas 9, Nays 0. (Councillor Oli	viera not present for vote.)	
Referred	d to CLEAN.		(#2027)
REPOR	T, Committee on Ordinances, recommer	ading to the City Council A	DOPTION of the ORDINANCE.
	cle III of Chapter 15, Relative to Door to D	·	per rier, or the enter white,
Rule 42	Waived – Yeas 9, Nays 0. (Councillor Oli	viera not present for vote.)	
Recomn	mendation Followed.		(#2028)
AN OR	 DINANCE, (Passed to a Second Reading	and Referred to the Comm	ittee on Ordinances in its Second
	- September 22, 2016.)	,	
Passed,	to a Second Reading and Referred to t	he Committee on Ordinance	es in its Second Reading Stage -
September 22, 2	2016.		
Rule 42	Waived – Yeas 9, Nays 0. (Councillor Oli	viera not Present for vote.)	
Passed,	to be Ordained - Yeas 9, Nays 0. (Council	lor Oliviera not present for vo	ote.)
Presente	ed to the Mayor for approval October 31, 2	016.	
RETUR	RNED UNSIGNED November 17, 2016.		(#1721)
	T, Committee on Ordinances, recommen	ding to the City Council A	DOPTION of the ORDINANCE,
	VEHICLES FOR HIRE.	•	
	Waived – Yeas 9, Nays 0. (Councillor Oli	viera not present for vote.)	(112020)
Recomn	mendation Followed.		(#2029)
AN OR	DINANCE,		
Rule 42	Waived - Yeas 9, Nays 0. (Councillor Oli	viera not present for vote.)	
Passed	to a Second Reading and Referred to th	e Committee on Ordinances	in its Second Reading Stage, as
Amended.			(#2030)
On a mo	otion, the Council then adjourned at 9:50 p	.m.	
ATTES	T:		

DENNIS W. FARIAS, CITY CLERK/ CLERK OF THE CITY COUNCIL