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CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

COUNCILMEMBERS

Kevin Faulconer • Second District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Lorie Zapf • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, December 9, 2013

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 9, 2013, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: FY 2014 First Quarter Budget Monitoring Report No. 13-095.

STAFF'S RECOMMENDATION:

Accept the report. Informational item only, no action requested.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Finance Committee meeting on November 21, 2013.

ACTION: Motion by Councilmember Kersey, second by Council President Pro Tern Lightner, to recommend approval of staff's recommendation and forward to the full City Council.

VOTE: 5-0; Gloria-yea, Alvarez-yea, Lightner-yea, Faulconer-yea, Kersey-yea.

Sturak/Bych

Primary Contact\Phone: Alia Khouri\619-533-4082

Secondary Contact\Phone: Tania Serhan\619-236-5556

ITEM-201: Fiscal Year 2015-2019 Five-Year Financial Outlook.

ITEM DESCRIPTION:

City of San Diego Fiscal Year 2015-2019 Five-Year Financial Outlook, which is the guiding document for long-range fiscal planning and will serve as the framework for the development of the FY 2015 Adopted Budget.

STAFF'S RECOMMENDATION:

Acceptance of the Fiscal Year 2015-2019 Five-Year Financial Outlook.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The purpose of the Outlook is to give the City Council and public information to facilitate an informed discussion regarding the City's needs; and serve as the guiding document during the development of the FY 2015 Adopted Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget Committee meeting on November 21, 2013.

ACTION: Motion by Council President Pro Tem Lightner, second by Councilmember Faulconer, to recommend approval of staff's recommendation and forward to the full City Council. Additionally, the Committee requested that the Independent Budget Analyst provide a written response to the organized presentation by the San Diego Municipal Employees Association prior to full City Council consideration.

VOTE: 5-0; Gloria-yea, Alvarez-yea, Lightner-yea, Faulconer-yea, Kersey-yea.

Sturak/Chadwick

Primary Contact\Phone: Jeff Sturak\619-235-5880

Secondary Contact\Phone: Matt Vespi\619-236-6882

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-202: Consideration of Nominees for Appointment to the Citizens Equal Opportunity Commission.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-272)

Council confirmation of the following appointments by the Council of the City of San Diego, in compliance with San Diego Charter Section 43(c), to serve as members of the Citizens Equal Opportunity Commission, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Lan Jefferson (North Park, District 3) (Filling the seat previously held by Dr. Shirley Weber)	African-American Community	January 1, 2015
Dan Ortiz (Redwood Village, District 4) (Filling the seat previously held by Juan Gallegos)	Latino Community	January 1, 2015
Rafael Perez (East Village, District 3) (Filling the seat previously held by Jason Craparo)	At-Large Member	January 1, 2015
Kimberly Mettler (North Park, District 3) (Filling the seat previously held by Eileen Chaske)	American Indian Community	January 1, 2015
Kristine Custodio (Rancho Peñasquitos, District 5) (Filling the seat previously held by Jay Montenegro)	Filipino Community	January 1, 2015

ITEM-203: Consideration of Nominees for Appointment to the Board of Building Appeals and Advisors.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-270)

Council confirmation of the following appointments and reappointments by the Council of the City of San Diego, in compliance with San Diego Charter Section 43(c), to serve as members of the Board of Building Appeals and Advisors, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Douglas Isaaks (Bonita) (Filling the vacancy in the seat previously held by John Littrell)	Mechanical Engineer	March 1, 2015
John Johnson (Valencia Park, District 4) (Filling the vacancy in the seat previously held by Eric Stenman)	At-Large Member	March 1, 2015
Sommer Adams (Cortez Hill, District 3) (Filling the seat previously held by Gary Bousquet)	Electrical Engineer	March 1, 2014
Frank Landry (Talmadge, District 9) (Reappointment)	Architect	March 1, 2014
Ali Sadre (La Jolla, District 1) (Reappointment)	Structural Engineer	March 1, 2014

Michael Edward West (Rancho Peñasquitos, District 5) (Reappointment)	Structural Engineer	March 1, 2015
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John Lopez (Bay Park, District 2) (Reappointment)	Electrical Engineer	March 1, 2015
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Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Douglas Isaaks is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

ITEM-204: Consideration of Nominees for Appointment to the Commission on Gang Prevention and Intervention.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-289 Cor. Copy)

Council confirmation of the following appointments and reappointments by the Council of the City of San Diego, in compliance with San Diego Charter Section 43(c), to serve as members of the Commission on Gang Prevention and Intervention, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Vinh Tran (Linda Vista, District 7) (Filling the vacancy in the seat previously held by Jose Cervantes)	District 6 Representative	July 1, 2014
Eduardo Corona (City Heights, District 9) (Filling a new position, to represent the new Council District 9)	District 9 Representative	July 1, 2014
Joyce Abrams (La Jolla, District 1) (Reappointment)	District 1 Representative	July 1, 2015
Nicole Murray-Ramirez (Hillcrest, District 3) (Reappointment)	District 3 Representative	July 1, 2015
Pastor Archie Robinson (Valencia Park, District 4) (Reappointment)	District 4, Representative	July 1, 2015
Dana Brown (Rolando Village, District 9) (Reappointment)	District 7 Representative	July 1, 2015

Pastor Cornelius Bowser (El Cajon) (Reappointment)	District 8 Representative	July 1, 2015
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Don Johnson (La Mesa) (Filling the seat previously held by Alicia DeLeon Torres, who is termed out)	District 5 Representative	July 1, 2015
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Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Pastor Cornelius Bowser and Don Johnson are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Board; therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

ITEM-205: Selection of a Council President.

ITEM DESCRIPTION:

Select a Council President from among the Councilmembers to begin a one-year term commencing on December 9, 2013, and until a successor is selected and qualified.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-326)

Declaring that after full discussion and deliberation by the City Council, Councilmember _____ is hereby selected as Council President to serve a one-year term commencing on December 9, 2013, and until a successor is selected and qualified.

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

ITEM-206: Contract for Animal Services with the County of San Diego for Fiscal Year 2014 through Fiscal Year 2018.

ITEM DESCRIPTION:

Continue agreement with the County of San Diego to provide the City with comprehensive animal services for an additional five-year period. Such services are required and defined as those duties and functions customarily rendered by the Department of Animal Services under the County of San Diego Code of Regulatory Ordinances and the statutes of the State of California.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-261)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, on behalf of the City of San Diego, to negotiate and execute an Agreement with the County of San Diego for animal control services, for the period of July 1, 2013, to June 30, 2018, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$8,455,000 (estimated net amount of \$8,453,368) in Fiscal Year 2014 for animal control services, the amount to be adjusted at year-end, but not to exceed fixed gross cost of \$10,028,368 and Spay/Neuter Trust funding of \$60,000, less actual revenue (estimated at \$1,635,800), contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

FY 2014 appropriations of \$8,455,000 have been approved for basic contract costs, supplemental marketing expenses, and to cover possible revenue shortfalls. The City is well satisfied with the on-going performance of the Department of Animal Services, and there is no viable service provider other than the County of San Diego. The Agreement has been reviewed by the Purchasing and Contracting Director, and Sole Source 1980 will be amended to reflect the amount and timeframe approved by City Council.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On August 3, 1998, the City Council authorized the City Manager to execute a contract with the County of San Diego for animal services for the five-year period of July 1, 1998, through June 30, 2003 (Document No. RR-290573).

- On August 4, 2003, a contract extension for the five-year period July 1, 2003, through June 30, 2008, was authorized (Document No. RR-298276).

- On March 27, 2009, a contract extension for the five-year period July 1, 2008, through June 30, 2013, was authorized (Document No. RR-304741).

The five-year Agreement has been reviewed and a renewal has been approved by the City Attorney's Office. There are no significant changes to the contract itself. The County has affirmed by previous written correspondence that the County will enforce the City's recently effected Companion Animal Protection Ordinance (Municipal Code Section 42.0706), and that there will be no exceptional costs charged to the City for such enforcement.

Ramirez/Chadwick

Primary Contact\Phone: Allegra Pajot\619-531-2110, MS 715

Secondary Contact\Phone: Ronald Villa\619-531-2883, MS 715

City Attorney Contact: Hemmerling, John C.

ADOPTION AGENDA, DISCUSSION, HEARINGS
NOTICED HEARINGS:

ITEM-207: Bicycle Master Plan Update, Project No. 290781. (Citywide.)

ITEM DESCRIPTION:

Requesting approval of the Bicycle Master Plan Update and associated environmental documents. The Bicycle Master Plan is a citywide policy document to guide the development and maintenance of San Diego's bicycle network, including roadways, support facilities, and non-infrastructure programs over the next 20 years.

STAFF'S RECOMMENDATION:

Adopt the resolutions in subitems A and B:

Subitem-A: (R-2014-138)

Adoption of a Resolution certifying the Environmental Impact Report No. 290781/SCH No. 2012061075, adopting Findings and a Statement of Overriding Considerations, and adopting Mitigation, Monitoring, and Reporting Program for the Bicycle Master Plan Update;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

Subitem-B: (R-2014-137)

Adoption of a Resolution certifying the City of San Diego Bicycle Master Plan Update.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No impacts related to the adoption of the Plan. Funding sources will be identified and costs associated with projects proposed in the Plan will be further defined at implementation.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On July 25, 2013, the Planning Commission recommended approval of the Plan and certification of the Program EIR by a unanimous vote with recommendations to: add language to the Statement of Overriding Considerations to balance intersection level of service (LOS) goals with the project's objective to implement Bicycle Master Plan projects; and to add language about promoting "complete streets." As a result of the recommendations from Planning Commission, edits have been made to page 20 of the Statement of Overriding Considerations section VI.C.(1)(a), to clarify that in some cases significant unmitigated impacts to transportation/circulation will remain in order to achieve a improved city-wide bicycle network.

On February 8, 2012, the Plan was presented to the Land Use and Housing Committee as an information item, no action was taken. Minor edits have been made to the Plan as shown in Attachment A.

Tomlinson\LoMedico\mg

Primary Contact\Phone: Melissa Garcia\619-236-6173, MS 413
Secondary Contact\Phone: Samir Hajjiri\619-533-6551, MS 413
City Attorney Contact: Corrine L. Neuffer

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

ITEM-208: Second Amendment to Joint-Use Agreement for Richard Henry Dana Center, also known as Dana Middle School to remove a 3.5-acre baseball field from the joint-use area. (Peninsula Community Area. District 2.)

(Continued from the meeting of October 22, 2013, Item 330, at the request of Councilmember Alvarez, for further review.)

ITEM DESCRIPTION:

Authorizing the Mayor, or his representative, to introduce an ordinance to amend the Joint-Use Agreement between the City and San Diego Unified School District for the Richard Henry Dana Center, aka Dana Middle School, to remove the existing 3.5-acre baseball field from the current joint-use area.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-48)

Introduction of an Ordinance authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, a Second Amendment to the Agreement (Richard Henry Dana Center also known as Dana Middle School).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Should the proposed ordinance be adopted, the currently budgeted 0.20 Grounds Maintenance Worker position and the non-personnel expenses associated with the baseball field will be distributed to other Park and Recreation facilities within the Peninsula community.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Natural Resources and Culture Committee meeting on September 25, 2013, where it was forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Emerald, second by Councilmember Zapf, to approve the proposed Second Amendment to the Joint-Use Agreement.

VOTE: 4-0; Alvarez-yea, Sherman-yea, Zapf-yea, Emerald-yea.

LoMedico/Chadwick

Primary Contact\Phone: Jim Winter\619-235-5257, MS 35

Secondary Contact\Phone: Stacey LoMedico\619-236-6643, MS 37C

City Attorney Contact: Vacchi, Robert A.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval - The Famosa.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "The Famosa" (T.M. 1052428/PTS No. 299160), the project proposes the subdivision of a 0.30-acre site into 9 residential condominium units and 1 commercial condominium unit located at 4175 Voltaire Street, on the southeastern corner Voltaire Street and Catalina Boulevard, in the CC-3-5 Zone, and the Peninsula Community Planning area. Additionally the following overlay zones apply to the site: Community Plan Implementation Overlay Zone (CPIOZ Type B), Coastal Height Limitation Overlay Zone, Airport Influence Area (AIA) for the San Diego International Airport (SDIA), the 70 to 75 decibel (dB) 1990 Community Noise Equivalent Level (CNEL) as depicted in the adopted 2004 Airport Land Use Compatibility Plan (ALUCP), Airport Approach Overlay Zone (AAOZ) for SDIA, Federal Aviation Administration (FAA) Part 77 for SDIA and North Island NAS, the North Bay Redevelopment Project Area, and Council District 2, and legally described as Lots 1 and 2 in Block 5 of Loma Alta No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1078, filed in the Office of the County Recorder of San Diego County, August 28, 1907, 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 PM, 10 calendar days from the date of this City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

ITEM-251: **Notice** of Pending Final Map Approval - 3540 Mission Boulevard.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "3540 Mission Boulevard" (T.M. 303562, PTS No. 93931), the project is located at 3540 Mission Boulevard between Nahant Court and Monterey Court, San Diego, California, in Mission Beach Plan and 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 PM, 10 calendar days from the date of this City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

ITEM-252: **Notice** of Pending Final Map Approval - 3727-3737 Grim Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "3727-3737 Grim Avenue" (T.M. 282773, PTS No. 88579), the project is located on the east side of Grim Avenue in the Mid City Planned District, within the Greater North Park Community Planned Area, 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 PM, 10 calendar days from the date of this City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

ITEM-253: Submission of Ballot Proposals for the June 3, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE JUNE 3, 2014 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2014, election*:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/10/14	144	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	1/15/14	139	Committee review.
Monday	1/27/14	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	1/27/14	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	2/10/14	113	Council adopts ordinances prepared by City Attorney.
Friday	3/7/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	3/20/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

***NOTE: This calendar is contingent upon City Council adoption of the Calendar Year 2014 Legislative Calendar.**

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT