

## **RESOLUTION R2014-142**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO AUTHORIZE THE USE OF SMALL LOT DEVELOPMENT STANDARDS AND FLAG LOT DEVELOPMENT STANDARDS; A DESIGN REVIEW PERMIT FOR FLAG LOTS, SUBDIVISION MAP, AND HOUSE PLANS; AND A TENTATIVE MAP TO SUBDIVIDE THE 1.24 ACRE SITE INTO 11 SINGLE-FAMILY LOTS (APN 035-110-034 AND 035-110-015)(PL13-0133)**

**WHEREAS, an application for a Use Permit to authorize the use of small lot development standards and flag lots; a Design Review Permit for flag lots, subdivision map, and house plans; and a Tentative Map to subdivide 1.24 acre site into 11 single-family lots at 1020 and 1030 Wine Country Avenue (APN 035-110-034 AND 035-110-015) was submitted on October 18, 2013; and**

**WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:**

**1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.**

**2. The City Council hereby determines that this project is exempt from the requirements of CEQA pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects.**

**3. The City Council hereby approves the Use Permit and makes the following findings in support of the approval:**

**A. The proposed use is in accord with the General Plan, applicable specific plans, the objectives of the Zoning Ordinance, and the purposes of the district and overlay district in which the site is located.**

**Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 11-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4. Land Use Element Policy LU-4.5 encourages projects to be compatible with**

the surrounding neighborhood. The proposed single-family use is compatible with existing residences in the area consistent with this policy. The proposed application of small lot development standards and flag lots are also consistent with the objectives of the Zoning Ordinance to encourage the orderly, compatible, and beneficial uses of land by a design that provide unencumbered access to and from the garage and permit forward egress for vehicles entering the new private street.

- B. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City.

The application of small lot development standards or the proposed flag lot design will not cause any health, safety, and/or general welfare hardship to the community. The lots have been designed to provide unencumbered access to and from the garage and permit forward egress for vehicles entering the new private street.

- C. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

Small lot development standards may be utilized with Use Permit approval pursuant to Section 7.52.470 of the Zoning Ordinance. Flag lots may be established with Use Permit approval pursuant to Section 17.080.030 of the Zoning Ordinance. Section 17.52.190 of the Zoning Ordinance establishes development standards for flag lots. With Use Permit approval, the proposed project will be in compliance with the provisions of the Zoning Ordinance. The project has been appropriately conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

- D. The development is compatible with the neighborhood, dwellings are proportionate to the lot size and meet the city's residential design guidelines.

Subsection 17.52.470.C of the Zoning Ordinance requires this additional finding to authorize the use of small lot development standards. The proposed development is adjacent to a mobile home park to the west and north, a neighborhood commercial center to the east, and a hotel to the south. As conditioned, the development's dwellings comply with the building envelopes established by the Zoning Ordinance, including compliance with maximum lot coverage. The proposed architecture is consistent with the criteria outlined in the Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The proposed two-story homes are consistent with the

principles of the Guidelines by using a smaller second-story than the first story.

4. The City Council hereby approves the Design Review Permit and makes the following findings in support of the approval:

- A. The project design is in accord with the General Plan and any applicable Specific Plan design policies.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 11-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4. Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The proposed single-family use is compatible with existing residences in the area consistent with this policy. There are no applicable specific plan design policies.

- B. The project design is consistent with applicable Design Review guidelines adopted by the City Council.

The proposed subdivision map will maintain consistent lot orientation and lot sizes that are compatible with the existing neighborhood consistent with the criteria outlined in the Residential Design Guidelines. The proposed architecture is consistent with the criteria outlined in the Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The proposed two-story homes are consistent with the principles of the Guidelines by using a smaller second-story than the first story.

- C. The Design Review Permit is in accord with provisions of this Title and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

Flag lots, subdivision maps, and single-family homes may be established with Design Review approval. With Design Review approval, the proposed project will be in compliance with the provisions of the Zoning Ordinance. The project has been appropriately conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

5. The City Council hereby approves the Tentative Map and makes the following findings in support of the approval:

- A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 11-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4. Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The proposed single-family use is compatible with existing residences in the area consistent with this policy.

- B. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

Passive heating and cooling opportunities have been provided to the maximum extent practical by configuration of the proposed lot and houses to allow for the orientation of structures in an east-west alignment for southern solar exposure.

6. The City Council approval of the Use Permit, Design Review Permit, and Tentative Map is subject to the following conditions listed as items 7 through 59 of this resolution:

**Community Development Department – Planning Division**

7. The plans submitted for building permit for future single-family residences within the development for Lot 2, 9, and 10 shall comply with property development standards, the Residential Design Guidelines, and shall be consistent with the design of the approved subdivision and houses. The Planning Manager is authorized to determine whether the developer is in compliance with the requirements of the Design Review Permit with respect to the designs of Lots 2, 9, and 10.
8. The house on Lot 9 shall take access from the cul-de-sac.
9. Parking in the driveway leading into the garage of Lot 2 is prohibited.
10. The Planning Manager is authorized to determine whether the applicant is in compliance with the requirements of the Use Permit, Design Review Permit, and Tentative Map.
11. All conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits

(architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

12. The plans submitted for building permit for the future single family residences within the development shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.
13. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy on the project.
14. The plans submitted for building permit shall include final landscape plans for the proposed development that shall be reviewed and approved by the Planning Manager prior to issuance of a building permit. The landscape plans shall include the following:
  - a. The location of all stormwater runoff management facilities (i.e. bio-retention areas) to ensure that landscaping does not conflict the operations of these facilities.
  - b. Lot 4 – An irrigation line to the eastern extremity of the property between Lot 10 and the sidewalk to allow for the maintenance of the area in a healthy and attractive manner.
  - c. Lot 9 – An irrigation line to the landscaping on the south-side of the fence with a side-on-treatment to allow for the maintenance of the area in a healthy and attractive manner.
  - d. An irrigation line to the planter area south of the common parking area.
15. All landscaping and fencing shall be installed in compliance with the approved final landscape plans prior to the issuance of a Certificate of Occupancy.
16. The proposed project includes the removal of two redwood trees that are classified as Protected Native Trees pursuant to Section 12.45.020 of the Napa Municipal Code. Prior to issuance of a building permit, the applicant

shall pay the appropriate mitigation fee based on the rates in effect at the time they are paid.

17. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

#### Community Development Department – Building Division

18. The plans submitted for Building Permit for the carport located on Lot 3 shall not be less than five-feet from the property line (three-feet if fire sprinkler system is installed) or is shall be provided with a one-hour fire-resistive rated wall with no openings or projections (eaves) on the property line side.

#### Fire Department

19. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the requirement for fire sprinklers.
20. In accordance with the Standard Mitigation Measures and conditions of approval set forth in the City of Napa Policy Resolution 27, and the Standard Fees and Charges (Policy Resolution 16), the developer shall pay the Fire and Paramedic Impact Fee prior to the issuance of any building permits.
21. Fire apparatus access shall be provided to within 150 feet of the most remote exterior portion of all buildings as measured by an approved route around the exterior of the building or facility.
22. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs., a maximum grade of 15% and not be impeded by gates, vertical traffic calming, bollards or other barriers.
23. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction.

24. When required by the chief, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.
25. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code.
26. Automatic fire sprinkler systems shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City of Napa and the applicable National Fire Protection Association Standard.
27. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.
28. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code; California Fire Code, California Residential Code, adopted City Standards and nationally recognized standards.

#### **Public Works Department**

29. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the Tentative Map and Lot Merger prepared by Chaudhary and Associates dated May 19, 2014. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".
30. The Applicant shall construct all of the improvements to be dedicated to and/or maintained by the City of Napa (i.e. "Public Improvements") as generally shown on the Tentative Map and Lot Merger and more specifically described below:
  - a. Remove all existing driveway approaches and install new driveways per Standard S-5.
  - b. Grind and install a 2 inch thick AC overlay from property line to property line and curb to curb in Wine Country Avenue.
  - c. Provide new domestic water and fire service(s) to each (building, parcel, etc) the Project. All water services and appurtenances (i.e. valves, water meters, backflow devices, and fire hydrants, etc.) shall be located within

the public right of way and outside of all driveways and driveway approaches.

31. The Applicant shall construct all improvements that will not be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Tentative Map and more specifically described below:
  - a. Install all new utilities required to serve the project underground.
  - b. Construct the private on-site access drive which consists of a 20 foot wide curb to curb two-way roadway, a 6 foot wide planter strip and 4 foot wide sidewalk on one side, all contained in a 30.5 foot wide reciprocal access and utility easement.
  - c. The proposed bulb design of the private access roadway shall have a 35 foot radius per the Fire Department requirements.
  - d. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
  - e. Install storm water quality treatment system(s) to treat runoff from storms with an intensity of 0.2 inches per hour.
32. Prior to approval of the Improvement Plans, the Applicant shall:
  - a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
  - b. Pay a \$7,000 initial cash deposit for City plan check services.
  - c. Provide the following:
    - (1) Public Street Repair Plan
    - (2) Utility Plan
    - (3) Storm Water Pollution Prevention Plan (SWPPP)
    - (4) Post-Construction Storm Water Runoff Management Plan
    - (5) Geotechnical Report
  - d. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work, including the exact location of the City's



transmission water main line in California Street and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.

- e. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
  - f. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
  - g. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements, if necessary to construct the project and the location of all such rights on the Plans.
33. Prior to commencing any activities on-site, the Applicant shall:
- a. Pay of all current account balances.
  - b. Pay an inspection fee equal for Public Improvements.
  - c. Pay all water connection fees.
  - d. Submit a copy of their Notice of Intent for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).
  - e. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
    - (1) (6) full-size bond copies of the approved Improvement Plans for the City's use.
    - (2) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
    - (3) (1) job-site copy of the approved SWPPP for their use.
34. Prior to recordation of the Final Map, the Applicant shall:
- a. Construct all of Public & Private Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant may enter into an

Improvement Agreement with the City to construct all of the Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.

- b. Establish an incorporated homeowner's association with recorded Codes, Covenants, & Restrictions (CC&R) that are satisfactory to the City Engineer and approvable as to form by the City Attorney to provide long-term maintenance of the Private Improvements identified above. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide said long-term maintenance of the Private Improvement in lieu of a homeowner's association. The CC&Rs shall contain a statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any provisions of the CC&Rs.
- c. Generally, convey all easements and irrevocable offers of dedication, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map. Specific conveyances include:
  - (1) Convey to the Homeowner's Association or Maintenance Association the proposed 30.5 foot wide reciprocal access and utility easement.
  - (2) Convey to the City a 10-foot public utility easement adjacent to the public street right-of-way along Wine Country Avenue within the limits of the project.
- d. Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.

**35. Prior to approval of a Building Permit, the Applicant shall:**

- a. File the Lot Merger or enter in to an Improvement Agreement with the City.
- b. Pay all account balances and current fees based on the rate in effect at the time of permit issuance. The fee amounts listed below are for informational purposes only as they are updated periodically. These fees include, but may not be limited to the following:
  - (1) Street Improvement Fee: \$4,723 per unit.

36. Prior to Occupancy of the first unit, the Applicant shall:
- a. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
  - b. Restore all adjacent off-site road surfaces to pre-project conditions.
  - c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
  - d. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans.
  - e. Submitted testing certification all backflow devices installed.
  - f. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.

**Napa Sanitation District**

- 37. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.
- 38. A capacity charge shall be paid for each dwelling unit. At the present time, the capacity charge for each residential dwelling unit is \$8,300.
- 39. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb and a minimum of 10 feet from the proposed water main.
- 40. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the private street. The proposed sanitary sewer facilities shall be designed to meet this requirement.
- 41. The owner/developer shall enter into an improvement agreement with the District, and post the appropriate bonds covering the sanitary sewer work.
- 42. Eight of the 11 proposed lots will be served by a 6" public sanitary sewer main and shall have an NSD approved overflow device installed on the house cleanout.

43. The private street area shall be dedicated to the Napa Sanitation District as a sanitary sewer easement. The sewer main shall be centered within the easement area.
44. A private easement for Lot #3's private lateral will be required from the Owner of Lot #2. No trees or other permanent structures will be allowed within this easement area.
45. Each parcel shall be served by a separate sanitary sewer lateral.
46. The existing sanitary sewer laterals shall have a CCTV inspection to verify that the laterals are in good condition and can be utilized for the proposed development.
47. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
  - a. Plan Check Fees (presently \$40.00 per lot)
  - b. Inspection Fees (presently \$1.25 per lineal foot for main lines and \$35.00 per each 4" public lateral and \$35.00 per each 4" private lateral)
  - c. Capacity Charges (presently \$8,300.00 per single family dwelling)
48. The District has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at the District's website ([www.NapaSan.com](http://www.NapaSan.com)). The District may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

#### **City General Conditions**


49. The plans submitted for improvement plan review and building permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
50. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a building permit, or if a building permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.

51. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
52. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
53. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
54. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
55. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.
56. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.


57. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
58. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
59. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.
60. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 5th day of August, 2014, by the following vote:

AYES: Pedroza, Sedgley, Inman, Techel  
NOES: None  
ABSENT: Mott  
ABSTAIN: None

ATTEST:   
Dorothy Roberts  
City Clerk

Approved as to form:

  
Michael W. Barrett  
City Attorney