

**ORDINANCE NO. 97-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AMERICAN CANYON  
APPROVING AND ADOPTING  
FLOODPLAIN MANAGEMENT REGULATIONS**

**The City Council of the City of American Canyon does ordain that the following is added as Chapter 8.16 of the American Canyon Municipal Code:**

**ARTICLE I  
STATUTORY AUTHORIZATION,  
FINDINGS OF FACT, PURPOSE AND METHODS**

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**8.16.010 STATUTORY AUTHORIZATION.** The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of American Canyon does hereby adopt the following floodplain management regulations.

**8.16.020 FINDINGS OF FACT.**

A. The flood hazard areas of the City of American Canyon are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

**8.16.030 STATEMENT OF PURPOSE.** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**8.16.040 METHODS OF REDUCING FLOOD LOSSES.** In order to accomplish its purposes, this ordinance includes methods and provisions to

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filing, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**8.16.050 DEFINITIONS.** Definitions of terms used herein shall be as commonly used by the State of California, Department of Water Resources. Questions regarding any definitions shall be referred to the Floodplain Administrator, as described herein.

**ARTICLE II**  
**GENERAL PROVISIONS**

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**8.16.060 LANDS TO WHICH THIS ORDINANCE APPLIES.** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of American Canyon.

**8.16.070 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 15, 1989, accompanying Flood Insurance Rate Maps (FIRMS) and Flood Boundary and Floodway (FBFMs), dated 1980 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMS and FBFMs are on file at 2185 Elliott Drive, City Hall, County Administration Building, Department of Public Works (or at 10 W. American Canyon Road).

**8.16.080 COMPLIANCE.** No structure or land shall thereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

**8.16.090 ABROGATION AND GREATER RESTRICTIONS.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. The City of American Canyon may, at the discretion of its Floodplain Administrator, require prospective builders to prepare detailed studies of possible flood areas for areas outside the FIRM map area and impose reasonable building conditions as a result of said studies.

**8.16.100 INTERPRETATION.** In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and

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C. Deemed neither to limit nor repeal any other granted under state statutes.

**8.16.110 WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**ARTICLE III**  
**ADMINISTRATION**

**8.16.120 ESTABLISHMENT OF DEVELOPMENT PERMIT.** A development permit shall be obtained before any construction or any other development begins within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 5.1 C.3; and

C. All appropriate certifications listed in Section 4.3 D of this ordinance; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**8.16.130 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.** The City Manager or the City Manager's designee is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accord with its provisions.

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**8.16.140 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.** The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review. Review all development permits to determine that

1. Permit requirements of this ordinance have been satisfied,
2. All other required state and federal permits have been obtained,
3. The site is reasonably safe from flooding, and
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 5. Any such information shall be submitted to the City Council for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 5.1 C.1 (floor elevations),

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2. Certification required by Section 5.1 C.2 (elevation or floodproofing of nonresidential structures),
3. Certification required by Sections 5.1 C.3 (wet floodproofing standard),
4. Certification of elevation required by Section 5.3 B (subdivision standards),
5. Certification required by Section 5.6 A (floodway encroachments),
6. Information required by Section 5.7 F (coastal construction standards), and
7. Reports required by Section 5.8 D (mudflow standards).

E. Map determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.

F. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 3.3.

**8.16.150 APPEALS.** The City Council of the City of American Canyon shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

**ARTICLE IV**  
**PROVISIONS FOR FLOOD HAZARD REDUCTION**

**8.16.160 STANDARDS OF CONSTRUCTION.** In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

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2. All manufactured homes shall meet the anchoring standards of Section 5.4.

**B. Construction materials and methods.** All new construction and substantial improvement shall be constructed

1. With materials and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

**C. Elevation and floodproofing.**

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
  - a. In an AO zone, elevated above the highest adjacent grade to a height exceeding by one foot the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified.
  - b. In an A Zone, elevated at least one foot above the base flood elevation, as determined by this community.
  - c. In all other Zones, elevated at least one foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated to conform with Section 5.1 C.1 or together with attendant utility and sanitary facilities:

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a. Be floodproofed below the elevation recommended under Section 5.1 C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this section (5.1 C.2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. Be certified by a registered professional engineer or architect; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency, or

c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 5.4

**8.16.170 STANDARDS FOR UTILITIES.**

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems, and

2. Discharge from the systems into flood waters.



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B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

**8.16.180 STANDARDS FOR SUBDIVISIONS.**

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

**8.16.190 STANDARDS FOR MANUFACTURED HOMES.**

A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located

1. Outside of a manufactured home park or subdivision,
2. In a new manufactured home park or subdivision,
3. In an expansion to an existing manufactured home park or subdivision, or

4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.4 A and Section 5.7.

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C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 5.4 A will be elevated so that either the:

1. Lowest floor of the manufactured home is at least one foot above the base flood elevation, or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

**8.16.200 STANDARDS FOR RECREATIONAL VEHICLES.**

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate map will either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use -- a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
3. Meet the permit requirements of Section 4 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.4 A.

B. Recreation vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.5 A and Section 5.7.

**8.16.210 FLOODWAYS.** Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply.

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

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B. If Section 5.6 A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 5.

**8.16.220 MUDSLIDE (i.e., MUDFLOW) PRONE AREAS**

A. The Floodplain Administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the:

1. Type and quality of soils,
2. Evidence of ground water or surface water problems,
3. Depth and quality of any fill,
4. Overall slope of the site, and
5. Weight that any proposed development will impose on the slope.

C. Within areas which may have mudslide hazards, the Floodplain Administration shall require that

1. A site investigation and further review be made by persons qualified in geology and soils engineering;
2. The proposed grading, excavation, new construction and substantial improvement be adequately designed and protected against mudslide damages;
3. The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site disturbances; and
4. Drainage, planting, watering, and maintenance not endanger slope stability.

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**8.16.230 FLOOD-RELATED EROSION-PRONE AREAS.**

A. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas and for other activities using temporary and portable structures only.

**ARTICLE V**  
**VARIANCE PROCEDURE**

**8.16.240 NATURE OF VARIANCES.** The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if

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variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

**8.16.250 APPEALS TO CITY COUNCIL**

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

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B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Napa County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

**8.16.260 CONDITIONS FOR VARIANCES.**

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that

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elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a


1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 2 of this ordinance) to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 2), cause fraud or victimization (as defined in Section 2) of the public, or conflict with existing local laws or ordinances.


F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.2 A through 6.2 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

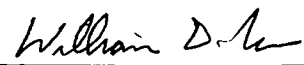
G. Upon consideration of the factors of Section 6.1 C and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon held on the 15<sup>th</sup> day of May, 1997, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon held on the 5<sup>th</sup> day of June 1997, by the following vote:

**AYES:** Anderson, Cypher, Colcleaser, Winters, Maples  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

  
\_\_\_\_\_  
Benjamin Anderson, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Mark Joseph, City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
William D. Ross, City Attorney