

**ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON TO REPEAL AND REPLACE AMERICAN CANYON MUNICIPAL CODE CHAPTER 19.27 "DENSITY BONUS ORDINANCE" CONSISTENT WITH STATE LAW**

**WHEREAS**, The State of California Density Bonus Law requires a city or county to provide a density bonus and other incentives or development standard concessions to a developer that proposes lower income housing units or donates land for affordable housing; and

**WHEREAS**, the current law, Assembly Bill 2753 (AB 2753), was signed by the Governor and filed with the Secretary of State on September 29, 2018; and

**WHEREAS**, AB 2753 includes findings that says affordable housing is a matter of statewide concern and therefore, it applies to all California jurisdictions including the City of American Canyon; and

**WHEREAS**, the City of American Canyon has an adopted and certified Housing Element and the Density Bonus Ordinance will facilitate implementation of the Housing Element Goal 2E and Policy 2.6.3 that specifically identify density bonuses as a means to provide regulatory and financial incentives to offset costs associated with the development of housing that is affordable to lower-income households; and

**WHEREAS**, AB 2753 requires American Canyon to modify Municipal Code Chapter 19.27, its adopted Density Bonus Ordinance, to comply with changes in the law; and

**WHEREAS**, the Planning Commission conducted a public hearing on November 15, 2018 to consider the repeal and adoption of the Density Bonus Ordinance in compliance with AB 2753, and recommended approval of the Ordinance by a vote of 3-0 with Commissioner Altman and Mallare absent; and

**WHEREAS**, the City Council has considered all of the written and oral testimony presented at the public hearing on January 29, 2019 in making its decision.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** An amendment to Municipal Code Chapter to repeal and replace American Canyon Municipal Code Chapter 19.27 "Density Bonus Ordinance" consistent with State Law as shown below:

**SECTION 1:** Chapter 19.27 DENSITY BONUS

19.27.000 Purpose of chapter.

This chapter is intended to implement the requirements of Government Code Section 65915 et seq., and the housing element of the general plan.

#### 19.27.005 - Definitions.

For purposes of this chapter, the following definitions apply:

"Affordable housing cost" has the definition set forth in California Health & Safety Code Section 50052.5.

"Affordable rent" has the definition set forth in California Health & Safety Code Section 50053.

"Child care facility" means a facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age childcare centers.

"Common interest development" has the definition set forth in California Civil Code Section 4100.

"Concession" or "Incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (the State Building Code commencing with Health & Safety Code Section 18901) of Division 13 of the California Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city and approved by the city that result in identifiable and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

"Disabled veteran" has the definition set forth in California Government Code Section 18541.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the city.

"Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation.

"Director" means the director of community development or the director's designee.

"Equivalent Size" means that the replacement dwelling units contain at least the same total number of bedrooms as the units being replaced.

"Homeless person" has the definition set forth in 42 U.S.C. Section 11301 and following.

"Housing development" means a development project for five or more residential units, including mixed-use developments. "Housing development" also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower income households" has the definition set forth in California Health & Safety Code Section 50079.5.

"Major transit stop" has the definition set forth in Public Resources Code Section 21155.

"Maximum allowable residential density" means the density allowed under the zoning code, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.

"Moderate income households" has the definition for "persons or families of moderate income" set forth in California Health & Safety Code section 50093(b).

"Multifamily dwelling" has the definition set forth in California Government Code Section 65863.4(d).

"Property containing existing affordable housing" means any property that includes any parcel on which rental dwelling units are or have been: (1) subject to any other form of rent or price control through a public entity's valid exercise of its police power; (2) occupied by lower or very low income households; or (3) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and households of lower or very low income. Such rental dwelling units include rental dwelling units that have been vacated or demolished in the five-year period preceding the application seeking the density bonus.

"Replace" has the definition set forth in California Government Code Section 65915(c)(3)(B).

"Senior citizen housing development" has the definition set forth in California Civil Code Section 51.3.

"Specific, adverse impact" has the definition set forth in California Government Code Section 65589.5(d)(2).

"Special needs housing development" has the definition set forth in California Health and Safety Code Section 51312.

"Transitional foster youth" has the definition set forth in California Education Code Section 66025.9.

"Unobstructed access" means access where a resident is able to travel without encountering natural or constructed impediments, as outlined in California Government Code Section 65915(p)(2).

"Very low income households" has the definition set forth in California Health & Safety Code Section 50105.

19.27.010 - General density bonus provisions.

A. Application. Any person that desires a density bonus shall make an application on a form approved by the director at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.

B. Incentives and concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city shall provide the applicant incentives or concessions for the production of housing units and childcare facilities as provided in this chapter.

C. Available density bonus options. The planning commission or city council shall grant one density bonus, the amount of which shall be as specified in Section 19.27.030, and incentives or concessions as described in Section 19.27.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that shall contain at least one of the following:

1. Ten percent of the total units of a housing development for lower income households.
2. Five percent of the total units of a housing development for very low-income households.
3. A senior citizen housing development.
4. Ten percent of the total dwelling units in a common interest development for moderate-income households, provided that all units in the housing development are offered to the public for purchase.
5. Ten percent of the total units of a housing development for transitional foster youth, disabled veterans, or homeless persons to be provided at the same affordability level as very low-income units subject to a recorded affordability restriction of 55 years. As used in

this subsection, "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this chapter.

D. Applicant's election of basis for bonus.

For purposes of calculating the amount of the density bonus pursuant to Section 19.27.030, the applicant who requests a density bonus pursuant to this section must elect whether the bonus shall be awarded on the basis of paragraphs (1), (2), (3), (4) or (5) of Section 19.27.010(C).

E. Continued affordability.

1. Qualified Households. An applicant shall agree that the occupants of the low, very low, and moderate income units that are directly related to the receipt of the density bonus in a housing development or common interest development shall be low, very low, or moderate income households, as applicable.

2. Term.

(a) An applicant shall agree to set rents at affordable rent levels and to the continued affordability of all rental units that qualified the applicant for the award of the density bonus for a period of 55 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(b) All for-sale units shall initially be sold at an affordable housing cost and shall remain subject to a resale affordable housing cost restriction for a period of 55 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program. The applicable resale affordable housing cost restriction period shall reset upon each sale of an affordable unit.

3. Equity Sharing. The city shall require an equity-sharing agreement for all for-sale units, unless such an agreement would be in conflict with the requirements of another public funding source or law.

F. Housing development involving property containing existing affordable housing.

An applicant shall be ineligible for a density bonus or any other incentives or concessions under this chapter if the housing development is proposed on any parcel or parcels on which rental dwelling units that:

1. have been vacated or demolished in the five-year period preceding the application;
2. have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income;

3. subject to any other form of rent or price control through a public entity's valid exercise of its police power; or
4. occupied by lower or very low income households, for a proposed housing development involving a property containing existing affordable housing, unless:
  - a. The proposed housing development replaces the existing affordable housing units. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be affordable as defined in Section 50052.5 of the Health and Safety Code; and
  - b. Either:
    - (i) The proposed housing development, inclusive of the units replaced, contains affordable units at the percentages set forth in Section 19.27.010(C); or
    - (ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low-income household.

#### 19.27.015 - Requirements for equity-sharing agreement.

The following provisions shall be included in any equity-sharing agreement required under this chapter:

- A. Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five years for any of the purposes that promote home ownership, as described in California Health & Safety Code section 33334.2(e).
- B. For purposes of this section, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, as applicable, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.
- C. For purposes of this section, the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

#### 19.27.020 - Incentives and concessions.

- A. An applicant for a density bonus pursuant to Section 19.27.010 may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter, and may request a meeting with the director.

B. Subject to subsection (C) below, the applicant shall receive the following number of incentives or concessions:

1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for moderate income households in a common interest development.
2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for moderate income households in a common development.
3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for moderate income households in a common interest development.

C. The planning commission or city council shall grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:

1. The concession or incentive does not result in identifiable and actual affordable housing cost reductions, or rents for the targeted units will not be set as specified in Section 19.27.010(E);
2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
3. The concession or improvement would be contrary to state or federal law.

19.27.025 - Waiver or reduction of development standards.

A. An applicant may submit a proposal to the city and request a meeting with the director to waive or reduce development standards that the applicant believes will physically preclude housing construction that satisfies Section 19.27.010(C) criteria at the densities or with the concessions or incentives permitted by this chapter. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 19.27.020.

B. The planning commission or city council shall waive or reduce an applicant's development standard request, unless it makes a written finding, based upon substantial evidence, that:

1. The waiver or reduction would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. The waiver or reduction would be contrary to state or federal law.

19.27.030 - Calculation of density bonus.

A. The applicant is entitled to a density bonus that varies according to the percentage of affordable housing units that exceed the percentage established in Section 19.27.010(B).

B. For housing developments meeting the lower income household criteria of Section 19.27.010(C)(1), the density bonus shall be calculated as follows:

Table 19.27.030(B)  
Density Bonus for Lower Income Units

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

C. For housing developments meeting the very low income criteria of Section 19.27.010(C)(2), the density bonus shall be calculated as follows:

Table 19.27.030(C)  
Density Bonus for Very Low Income Units

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25



8	27.5
9	30
10	32.5
11	35

D. For housing developments meeting the criteria of Sections 19.27.010(C)(3), and 19.27.010(C)(5), (senior citizen and transitional foster youth, disabled veterans, or homeless persons), the density bonus shall be 20 percent.

E. For housing developments meeting the common interest development criteria of Section 19.27.010(C)(4), the density bonus shall be calculated as follows:

**Table 19.27.030(E)**  
**Density Bonus for Common Interest Development Units**

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18

24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

F. All density calculations resulting in fractional units shall be rounded up to the next whole number.

G. A density bonus shall not require a general plan amendment, zoning change, other discretionary approval, or study other than those provided under California Government Code section 65915(j)(1).

H. A density bonus shall not require the city to waive any unrelated development standard ordinance, except as provided for in Sections 19.27.20 and 19.27.25.

19.27.035 - Additional density bonus through donation of land.

A. When an applicant for a tentative subdivision map, parcel map, or other residential development donates land to the city, as provided for in this section, the applicant shall be

entitled to a 15 percent increase above the maximum residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Table 19.27.035  
Affordable Housing Land Donation

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

B. The land dedication density bonus shall be in addition to any increase in density mandated by Section 19.27.010(C), up to a maximum combined density increase of 35 percent, if an applicant seeks increases required pursuant to both this section and Section 19.27.010(C).

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.

2. Nothing in this section shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

C. An applicant shall be eligible for an increased density bonus described in this section if all of the following conditions are met:

1. The applicant donates and transfers land no later than the date of approval of the final subdivision map or parcel map or residential development application.

2. The developable acreage and zoning classification of the transferred land will provide at least 10 percent of the residential units in the proposed development to be affordable to very low-income households.

3. The transferred land is at least one acre or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

(a) The land must have appropriate zoning and development standards to make the development of the affordable units feasible.

(b) No later than the final subdivision map, parcel map, or of the residential development approval date, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design permit, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.

4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 19.27.010(E)(1) and (2), which restriction shall be recorded on the property at the time of the transfer.

5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.

6. The transferred land must be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

7. A proposed very low-income unit funding source shall be identified no later than the final subdivision map, parcel map, or residential development application approval date.

19.27.040 - Additional density bonus or concession or incentive through provision of housing with a child care facility.

A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 19.27.010(C) and includes a childcare facility located on the premises of, as part of, or adjacent to, the project, the planning commission or city council shall grant either of the following:

1. An additional residential square footage density bonus equal to or greater than the child care facility square footage; or
2. An additional concession or incentive that contributes significantly to the economic feasibility of the childcare facility construction.

B. The planning commission or city council shall require, as a condition of approving the housing development, that the following occur:

1. The child care facility must remain in operation as long as or longer than the density bonus units affordable term pursuant to Section 19.27.010(E).
2. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 19.27.010(C).

C. Notwithstanding any requirement of this section, the planning commission or city council is not required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

D. Density bonus units do not have to be located in the same geographic area of the housing development.

E. Granting a concession or incentive shall not in and of itself, require a general plan amendment, zoning change, or other discretionary approval.

F. Section 9.27.040 does not limit or require the City to provide direct financial incentives for housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

19.27.045 - City's discretion in granting density bonus.

A. Nothing in this chapter shall be construed to prohibit the planning commission or city council from granting a greater density bonus than what is described in this chapter, or from granting a proportionately lower density bonus for developments that do not meet the requirements of this chapter.

19.27.050 - Parking requirements.

A. An applicant of a development meeting the criteria of Section 19.27.010(C) may request the city not require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

1. Zero to one bedrooms: one onsite parking space.
2. Two to three bedrooms: two onsite parking spaces.
3. Four and more bedrooms: two and one-half parking spaces.

B. An applicant of a development project meeting the criteria of Section 19.27.010(C), that is located within 0.5 miles of a major transit stop, and has unobstructed access to the major transit stop may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed 0.5 onsite parking spaces per bedroom.

C. An applicant of a development project that consists solely of rental units affordable lower income households (exclusive of a manager's unit) may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed 0.5 onsite parking spaces per unit, and is either:

1. Located within 0.5 miles of a major transit stop, and has unobstructed access to the major transit stop; or
2. A for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and has either paratransit service, or unobstructed access to a fixed bus route service that is within 0.5 miles and operates at least eight times per day.

D. An applicant of a special needs rental housing development project affordable to lower income households (exclusive of a manager's unit), may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed 0.3 onsite parking spaces per unit, when the development has either paratransit service, or unobstructed access to a fixed bus route service that is within 0.5 miles and operates at least eight times per day.

E. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

F. An applicant that meets the requirements of Section 19.27.010(C) may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 19.27.020.

G. Notwithstanding Sections 19.27.050(B) and (C), the city may impose a higher vehicular parking ratio, not to exceed the ratio described in Section 19.27.050(A), based upon substantial evidence found in a parking study prepared at city expense by the city or an independent consultant in the last seven years that includes:

1. an analysis of parking availability;
2. differing levels of transit access;
3. walkability access to transit services;
4. the potential for shared parking;
5. the effect of parking requirements on the cost of market-rate and subsidized developments; and
6. the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals.

The city may make findings, based on a parking study completed in conformity with this section, supporting the need for the higher parking ratio.

19.27.060 Denial to grant a requested density bonus, incentive, or concession.

A. The applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

B. The city shall bear the burden of proof for the denial of a requested concession or incentive.

## **SECTION 2: CEQA FINDINGS**

The proposed Density Bonus Ordinance implements the City of American Canyon General Plan Housing Element. The Housing Element was evaluated under the California Environmental Quality Act in a Negative Declaration and approved on March 17, 2015. No further environmental review is necessary because the Density Bonus Ordinance implements Goal 2E of the Housing Element that has already been evaluated under CEQA. In addition, the proposed

Density Bonus Ordinance amendment is exempt under the definition of Project in Section 15378 (b) (2) of the CEQA Guidelines in that it concerns general policy and procedure making.

**SECTION 3: EFFECTIVE DATE** This Ordinance shall become effective thirty (30) days following adoption.

**SECTION 4: SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5: CUSTODIAN OF RECORDS.** The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

**SECTION 6: RESTATEMENT OF EXISTING LAW.** Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as Ordinance provisions previously adopted by the City related to the same subject matter or relating to the enumeration of permitted uses under the zoning code, shall be construed as restatements and continuations, and not as new enactments.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 29th day of January, 2019 by the following vote:

AYES: Council Members Joseph, Leary, Oro, Vice Mayor Aboudamous and Mayor Garcia

NOES: None

ABSTAIN: None

ABSENT: None



The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 19<sup>th</sup> day of February, 2019, by the following vote:

AYES: Council Members Joseph, Leary, Oro, Vice Mayor Aboudamous and Mayor Garcia

NOES: None

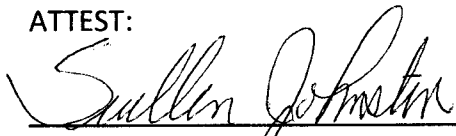
ABSTAIN: None

ABSENT: None



\_\_\_\_\_  
Leon Garcia, Mayor

ATTEST:



\_\_\_\_\_  
Suellen Johnston, CMC, City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
William D. Ross, City Attorney