

CITY COUNCIL OF THE CITY OF NOVATO
ORDINANCE No. ____

AN ORDINANCE OF THE CITY OF NOVATO, CALIFORNIA, ADDING SECTION 15-6 OF CHAPTER XV ESTABLISHING THE DOWNTOWN PARKLET LICENSING PROGRAM TO THE NOVATO MUNICIPAL CODE AND FINDING THE AMENDMENTS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION § 15061(b)(3), SECTION § 15301, SECTION § 15303(e), SECTION § 15304(e), AND SECTION § 15305(b)

SECTION I. FINDINGS

The City Council of the City of Novato hereby finds and declares as follows:

WHEREAS, the City of Novato's General Plan 2035 identified Land Use and Economic Vitality Policies to promote the Downtown's role as the center of Novato's commercial, cultural, social and entertainment functions; and

WHEREAS, the City of Novato seeks to support its Downtown businesses by creating safe, inviting, unique, and accessible environments for commercial activity; and

WHEREAS, the City of Novato seeks to utilize public spaces, public rights-of-way, and public assets to establish a vibrant public realm that encourages residents and visitors to patronize local businesses in the downtown area; and

WHEREAS, the City of Novato sought to develop rules and regulations for a program that would protect public safety and allow the use of outdoor public space and right-of-way in a safe and secure environment; and

WHEREAS, the City Council of the City of Novato adopted Novato Municipal Code Chapter 15, Section 4, which regulates outdoor dining, displays, and quasi-public improvements in the Downtown Core; and

WHEREAS, the Novato City Council began discussions around developing and licensing commercial activity in public parking spaces in the Downtown at public City Council meetings on April 24, 2018, and November 13, 2018; and

WHEREAS, the COVID-19 pandemic beginning in early 2020 required immediate, emergency actions by the City of Novato to support continued business operations during state-mandated lockdowns, social distancing requirements, and indoor capacity constraints by authorizing temporary outdoor dining areas within the public right-of-way, including public on-street parking spaces that allowed residents and visitors to safely patronize local businesses and restaurants; and

WHEREAS, the City of Novato desires to create an objective, codified process for Downtown businesses to convert emergency or temporary outdoor commercial areas in the public

right-of-way into semi-permanent and licensed “Parklets” that are aligned with the City’s design and safety standards; and

WHEREAS, at their regular meeting on July 27, 2021, the Novato City Council received an update and provided direction and guidance on the development of a Downtown Parklet Program; and

WHEREAS, the City of Novato’s Design Review Commission met on July 21, October 6, and December 1, 2021, as well as a subcommittee of the Design Review Commission that met on November 4, 2021, to develop, draft, and recommend Downtown Parklet Design Guidelines that established objective design options for Parklet applicants; and

WHEREAS, the City wishes to establish a uniform regulatory and licensing structure for permitting Downtown Parklets that applies objective design standards, protects public safety, mitigates impacts to parking congestion, secures a public benefit for private use of City assets, and creates an environment conducive to private investment; and

WHEREAS, a Downtown Parklet Licensing Program has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and it has been determined that approval of these program implementation procedures are exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), non-significant effect on environment; Section § 15301, negligible expansion of existing facilities in the right-of-way; Section § 15303(e), new construction or conversion of small structures; Section § 15304(e), temporary use of land having negligible or no permanent effects on the environment; and Section § 15305(b), issuance of minor encroachment permits.

WHEREAS, notice of the City Council's public hearing on the Amendments was published in a 1/8th page legal ad in the Marin Independent Journal, a newspaper of local circulation, on April 16 and April 22, 2022; and

WHEREAS, the City Council held a duly noticed public hearing on April 26, 2022, to introduce and consider the proposed amendments and public comments thereon; and

NOW THEREFORE, the City Council of the City of Novato does ordain as follows:

SECTION II. Section 15-6 is hereby added to the Novato Municipal Code to read as follows:

Section 15-6.010 Title. This section shall be known as the “Downtown Parklet Licensing Program” ordinance. It is sometimes referred to herein as the “Program.”

Section 15-6.020 Purpose and Intent. It is the purpose of this Program to benefit the general public by allowing safe, accessible commercial activity within the public right-of-way which includes the installation of private or quasi-public improvements and to increase the economic

activity within Downtown Novato by enhancing the shopping, entertainment and dining experience through increased use of these public spaces.

Section 15-6.030 Definitions. The following words and phrases used in this Section 15-6, rules and regulations promulgated thereunder and the Downtown Parklet Design Standards shall have the meanings set forth below:

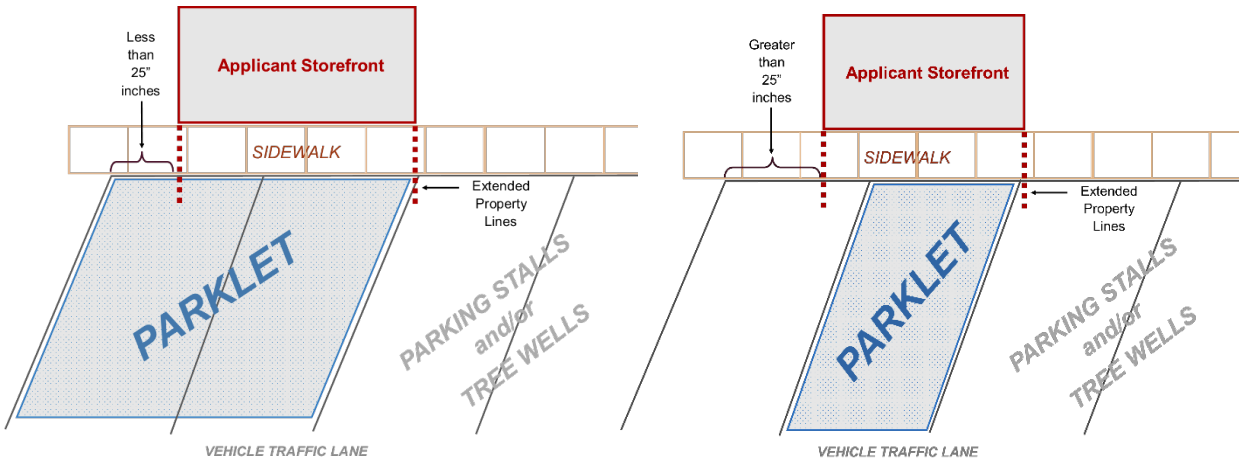
- a. "City Block" shall mean both sides of a public City street that has City-maintained traffic lanes for vehicle travel, extending from one intersection in that street to the next intersection in that street.
- b. "Downtown Core" shall mean the properties within the Downtown Core land use designation as shown on the General Plan Land Use Map.
- c. "Downtown Parklet Design Standards" shall mean the set of design, installation, landscaping and construction requirements that Licensees (defined below) must comply with in installing and maintaining improvements in Flexible Spaces pursuant to this Section.
- d. "Flexible Space" shall mean the portion of the street adjacent to a sidewalk or curb that is designated and used for public on-street parking of vehicles and/or Tree Wells.
- e. "License Agreement" shall mean the agreement drafted by the City that permits, for a limited term, the use of Flexible Space by private parties (such parties are also referred to herein as "Licensee(s)") for those purposes and under those terms and conditions set forth in the agreement (sometimes referred to herein as the "License").
- f. "Moratorium" shall mean the City's temporary cessation of reviewing and approving License Agreements, instituted at the discretion of the City Engineer.
- g. "NMC" shall mean the Novato Municipal Code.
- h. "Parking Stall" shall mean the designated, striped area within the public street or public right-of-way for parking a single motor vehicle.
- i. "Parklet" shall mean Flexible Space that has Quasi-public Improvements constructed by a private business for use as a non-exclusive outdoor area open to the general public. Table Service is not permitted in a Parklet.
- j. "Private Improvements" shall mean improvements installed by a private party in a Flexible Space adjacent to the private party's storefront for the exclusive use of and benefit to its customers. Private Improvements shall conform to the design standards contained in the Downtown Parklet Design Standards.
- k. "Quasi-public Improvements" shall mean improvements installed by a private party in a Flexible Space adjacent to the private party's storefront, but which are for the use of and benefit to the general public. Quasi-public improvements shall conform to the design standards contained in the Downtown Parklet Design Standards.
- l. "Streatery" shall mean Flexible Space that has private improvements constructed by a private business for use as an exclusive, commercial outdoor dining or retail area with Table Service in exchange for rents paid to the City.

- m. "Table Service" shall mean a dining or drinking experience which occurs within an area under the exclusive control of a single restaurant, food or drinking establishment that is hosted by a server who takes orders, serves food and drink, and/or presents a meal exclusively to customers at their designated seat and/or table, including at a Streatery.
- n. "Tree Wells" shall mean the area of the public street adjacent to sidewalks or curbs used for placement of street trees where parking is not allowed, including any landscaping planters, curbs, or open space identified as part of the Tree Well.

Section 15-6.040 Eligibility.

- a. Any eligible business may submit an application for a license to establish and operate a Parklet or Streatery provided all of the following is documented in the application:
 - 1. The applicant must operate a business at ground-floor, storefront commercial property adjacent to a public street; and
 - 2. The applicant must hold a lease with not less than two (2) years remaining; and
 - 3. The applicant must hold a valid City of Novato Business License; and
 - 4. The applicant and/or property must be current on Downtown Business Improvement District (DBID) dues; and
 - 5. The applicant and/or property must not have any outstanding or unresolved code violations with the City; and
 - 6. The owner of the property on which the applicant's business is operated must consent to the application; and
 - 7. In the event the curb face of the Flexible Space is located, in part, in front of property or a business adjacent to the property on which the applicant's business is operated, the owner of the adjacent business and the owner of the adjacent property must consent to the application.
- b. Proposed locations of Flexible Space to be licensed for a Parklet/Streatery must meet all of the following criteria:
 - 1. Applicant's business property must be located within the Downtown Core and carry a Downtown Core Retail (CDR) or Downtown Core Business (CDB) zoning designation.
 - 2. The applicant may only apply to license Flexible Space that is located within the extended property lines of the storefront in which the applicant's business is located.
 - i. The entirety of a diagonal Parking Stall and/or Tree Well may be occupied as a Parklet or Streatery as long as the curb face of the Flexible Space nearest to the occupying business's storefront falls entirely within the property lines as extended perpendicular to the face of curb.
 - ii. Licensed Flexible Space may occupy a full Parking Stall or Tree Well that laterally crosses the extended property lines provided the far edge (measured along the curb face) of said Parking Stall or Tree Well is less than twenty-five inches (25") from applicant's property line.

Figure 15-6.040(b): The diagrams below are illustrative of two parklet areas that would be permitted under the Program.



3. Licensed Flexible Space must encompass an entire Parking Stall and/or Tree Well; no partial Parking Stalls or Tree Wells may be licensed.
4. Parklets/Streateries are prohibited within Flexible Space that directly abuts vehicle traffic lanes on Redwood Boulevard.
 - i. Parklets/Streateries proposed in Flexible Space on Redwood Boulevard frontage streets that are separated from Redwood Boulevard by curbed landscape planters is allowed.
5. Parklets/Streateries shall not encroach or extend onto public sidewalks, curbs-ramps, or other public areas used for pedestrian travel. Any outdoor use of sidewalks must be licensed independently in compliance with NMC Section 15-4.

Section 15-6.050 Application.

- a. Application Requirements. In addition to the information required under Section 15-6.040, a complete license application submitted for City review must include all of the following::
 1. Construction-level drawings, including site plan and elevations, for the proposed Parklet/Streatery. Design details must comply with the Downtown Parklet Design Guidelines per NMC 15-6.b.
 2. Copy of applicant's lease for the business operating at the proposed address that demonstrates at least twenty-four (24) months remain on the lease.
 3. Applicants operating a business holding a license to serve or sell alcoholic beverages must submit a letter from the State of California Alcohol Beverage Control expressly acknowledging and allowing the sale, consumption or service of alcohol within the Parklet/Streatery as proposed in applicant's application .
 4. An administrative review fee deposit, as adopted by Council resolution, shall be submitted to the City to be used to cover the cost of all needed staff time, consultant and legal costs, and other resources utilized in vetting and reviewing

the application. Applicant may be required to execute a cost recovery agreement with the City as a condition of submitting an application for review.

- b. Design Standards. Construction of a Parklet/Streatery shall comply with the Downtown Parklet Design Standards as adopted by City Council resolution, and as may be amended from time to time.
- c. Allowed Uses. Parklets and/or Streateries may be used for the following purposes only:
 1. *Dining*: Flexible Space may be used as Streateries to provide Table Service for seated dining. Streateries may contain appropriate dining furniture within the Flexible Space, consistent with the applicable requirements of the Downtown Parklet Design Standards . Any alcohol service must be in compliance with an existing State of California's Alcohol Beverage Control license. Dining within Flexible Space must be open and available during all normal business hours of the license holder, and set up during these periods for business, weather permitting.
 2. *Retail*: Flexible Space may be used as Streateries to promote the applicant's business through seating, gathering, waiting, or rest areas, play areas, product demonstrations, or other commercial activity that is not merchandise display, consistent with the applicable requirements of the Downtown Parklet Design Standards (sometimes referred to as "Design Standards"). Retail use within Flexible Space must be open and available during all normal business hours of the license holder, and set up during these hours for access and use, weather permitting. Flexible Space may be used for merchandise display for special events during normal business hours, not to exceed a cumulative total of seven (7) non-consecutive days per year.
 3. *Public Space*: Flexible Space may be used as Parklets for non-exclusive public access, seating, gathering, rest, or play areas, open to any member of the public, consistent with applicable requirements of the Design Standards. Public space use of Flexible Space must be accessible and open at all hours and days, weather permitting, and shall not be limited to business hours of the adjacent business(es).
- d. General Requirements. Applicants shall ensure the following requirements are met through the design and construction of any improvements within the Flexible Space.
 1. *Access*: All Private and Quasi-Public Improvements within Flexible Space must ensure safe and equal access to all members of the public, as well as a clear and safe accessible path of travel along adjacent sidewalks, traffic lanes and other egress, and ensure compliance with the requirements of the Americans with Disability Act (ADA) and its State of California counterpart, and all rules, regulations or local laws adopted pursuant thereto, and as required by applicable building codes, the City Engineer, the Novato Chief Building Official, and the Novato Fire Protection District.
 2. *Electrical*: All electrical connections must be drawn from the licensee's private electrical circuit/meter. Licensees shall not connect any electrical appliance, motor, heater, lights or other apparatus to the City's metered electrical circuits. Electrical

cords are not permitted to be placed, attached, hung or otherwise incommode the public right-of-way, including City sidewalks, Parking Stalls, Tree Wells, curb ramps, or other City assets. Wires and connections used to draw electricity from the business shall be hung over the sidewalk at a height not less than eight (8) feet, in a manner approved by the City Engineer and the Chief Building Official.

e. Prohibitions.

1. *Ineligible Areas:* The following areas are not eligible to be designated as Flexible Space and are not eligible for use as a Parklet/Streatery:
 - i. Space in the public street not designated as public on-street Parking Stalls or Tree Wells.
 - ii. Parking Stalls marked for exclusive ADA use.
 - iii. Space or Parking Stalls in the public street used for designated loading zones.
 - iv. Space or Parking Stalls in the public street designated for emergency/fire access or "red" zones.
 - v. Space or Parking Stalls in the public street within fifteen (15) feet of a fire hydrant.
 - vi. Space or Parking Stalls in the public street housing designated utility access or manholes.
2. *Sidewalks:* Flexible Space licensed through this Program shall not include any area of the public sidewalk; Parklets and/or Streateries are prohibited from utilizing any area of the public sidewalk, or from placing any advertisements, furniture, railings, or other item on the sidewalk. Sidewalks are to remain open and accessible for the public at all times.
3. *Amplified Sound:* No amplified sound is allowed.
4. *Generators:* Generators are prohibited within Flexible Space.
5. *Misters:* Water misters are prohibited from being placed and operated within Flexible Space.
6. *Open Flame:* No open flames are allowed.
7. *Tents:* No tents are allowed at any time in a parklet.
8. *Advertisements:* Licensees may not use Flexible Space to promote, advertise, or disseminate information about any commercial activity other than the name and logo of the Licensee.
9. *Public Assets:* No Parklet/Streatery improvements, advertising, or other apparatus may use, connect, attach, or otherwise interfere with any public asset, including but not limited to street trees, vegetation, street signs, parking signs, wayfinding signs, bike racks, public railings, irrigation, gates, parking bollards, or other public infrastructure or landscaping. No licensee may cut, trim, prune, or otherwise modify any street trees or publicly-maintained vegetation.
10. *Authorized Use:* Except as provided in Section 15-6.070(g), only the Licensee may use the Flexible Space for which the Licensee has been granted a License to use,

and the License may not be sub-licensed, assigned or used by other third parties at any time.

Section 15-6.060 City Review of Application.

- a. Conditions. The City may place conditions on its approval of any Parklet/Streatery License application, at the sole discretion of the City Engineer.
- b. Moratorium. A Moratorium on new Parklet/Streatery Licenses within a specific, designated City Block shall be imposed if, when and for as long as seven (7) public on-street Parking Stalls within the City Block have been occupied by licensed Parklets/Streateries. The City Engineer may lift the Moratorium on individual City Blocks upon termination of a license and physical removal of an existing Parklet/Streatery, thereby reducing the total Parking Stalls occupied on the City Block at issue to less than seven (7) Parking Stalls. No License application shall be accepted if the number of Parking Stalls the new Parklet/Streatery proposes being used would, when added to the existing Parking Stalls being devoted to Parklet/Streatery uses, exceeds seven (7) Parking Stalls within the City Block in which the new Parklet/Streatery is proposed to be located.
- c. Application Review Order: Applications shall be prioritized, reviewed, and if in compliance herewith, granted in the order in which they are received. An application shall be deemed “received” on the date that the City Engineer determines the application to be substantially complete pursuant to this Section 15-6.

Section 15-6.070 License Agreement. No application for a Parklet/Streatery shall be granted unless and until the applicant executes a License Agreement with the City. The License Agreement shall be in a form drafted by the City and approved by the City Attorney, that includes, but is not limited to, the following:

- a. License Term: License Agreement Terms shall be for a period not to exceed twenty-four (24) months.
- b. Annual Assessment: Any Streatery that proposes exclusive use of Flexible Space shall pay an annual assessment, on the basis of the total square footage of Flexible Space authorized by the License Agreement, at a reasonable rate as determined by the City Engineer, and comparable to other City leases or licensing within the public right-of-way. The City Engineer shall waive the annual assessment for any Parklet that proposes non-exclusive, public use of Flexible Space.
- c. Security Deposit: Applicant shall provide the City with either a) a commercial surety bond, or b) a cash deposit, in an amount determined by the City Engineer. The City shall retain the bond or cash deposit for the duration of the License Agreement to provide guarantees that upon the License Agreement’s termination, the City retains the ability to recover costs of removal, cleanup, and repairs of public infrastructure within the Flexible Space.
 1. At the discretion of the City Engineer, the applicant may be required to place a security deposit on account with the City to reimburse the City for the cost of any staff time and City resources utilized in conjunction with improving, cleaning,

preparing, or otherwise maintaining the Flexible Space. If all the deposit is not exhausted by the City by the time the License Agreement has terminated and the time for the Licensee's performance under the License Agreement has ended, the remaining balance of the deposit shall be refunded without interest. Applicant may be required to execute a cost recovery agreement with the City as a condition of being granted a License or starting improvement work within the Flexible Space.

- d. Insurance: Applicant shall provide City with evidence of general liability and property insurance, with claim limits designated by the City Engineer, in a form approved by the City, with an endorsement naming the City of Novato as an additional insured.
- e. Indemnification: Applicant agrees to indemnify the City of Novato against all claims arising from the licensed use of the Flexible Space, in a form identified within the License Agreement.
- f. Interruptible Privilege: The License Agreement is an interruptible privilege and may be revoked or terminated by the City at any time, without cause. The business owner agrees that the City will not be held liable for any lost business or decline in revenue resulting from the License Agreement being revoked or terminated for any or no reason.
- g. Transferability: The License Agreement and use of Flexible Space may be transferred to a different entity upon the expressed written consent of the City, upon documentation of the sale, transfer, assumption, lease or other assignment of the business entity holding the License Agreement. The City may require, at the discretion of the City Engineer, documentation, bonding, insurance and other evidence of fiscal guarantees from the new business entity prior to approving transfer of the License Agreement.

Section 15-6.080 Operations.

- a. Occupancy: Before a Licensee may occupy and use the Flexible Space for commercial purposes, the City will conduct a full inspection of the completed Private or Quasi-Public Improvements within the Flexible Space to ensure that all terms and conditions of the NMC and the License Agreement have been satisfied.
- b. Inspections: The City may conduct periodic inspections of the Flexible Space during occupancy to ensure the Licensee is in compliance with the maintenance, operations, accessibility, and other requirements of NMC § 15.6, the Program, the Design Standards and the License Agreement.
- c. Maintenance: The Licensee is responsible for all maintenance, repairs, construction, modification, removal, and costs of any Private or Quasi-Public Improvements within the licensed Flexible Space. The Licensee shall maintain, clean and repair, at its sole cost, any public assets within the Flexible Space, in accordance with the License Agreement, including but not limited to:
 - 1. Daily trash and debris removal from Flexible Space, including adjacent areas extending twenty (20) feet beyond the boundaries of the Flexible Space.
 - 2. At least monthly cleaning and debris removal from areas underneath any decks placed within the Flexible Space.

Section 15-6.100 License Renewals. Licensees may submit a request to renew the License Agreement by submitting a written request to the City Engineer not less than six (6) months prior to the expiration date of the License Agreement. License renewals must comply with any City ordinance and regulations, as may be amended. The City shall have the authority to deny any request for a License Agreement renewal without cause.

Section 15-6.090 Administrative Enforcement.

- a. City Contact. The City shall provide a contact for members of the public who seek information, or who wish to file a complaint alleging violations of this Section or the NMC.
- b. Determination of Violation. Upon the filing of a written complaint, the City Engineer shall take reasonable steps necessary to determine the validity of the complaint. To determine if there is a violation of this Section 15-6 or other provisions of the NMC, the City Engineer may initiate an investigation. This investigation may include, but is not limited to, an inspection of the Flexible Space and/or a request for any pertinent information from the Licensee and/or owner of the property on which the Licensee's business is conducted, if different, such as leases, business records, or other documents.
- c. Violations a Public Nuisance; Penalties, Nuisance Abatement, and Other Remedies. Any Parklet/Streatery operated, conducted or maintained contrary to the provisions of this Section, the Design Standards and/or the Program shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the city attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the City under Sections 1-5, 1-6 and 1-7 of this Code.
- d. Revocation of License. A License issued under the terms of this Section 15-6 may be revoked by the City Engineer at any time if the City Engineer concludes any of the following. Revocation decisions by the City Engineer shall be in writing and are subject to appeal through the process set forth in Section 1-7.6 of the NMC.
 1. The Licensee is not current on fees or assessments due and payable as required by this Program, including fees and/or assessments owed under the City's business license ordinance and/or owed under the DBID's program.
 2. There has been upheld citation(s) for violations of the Novato Municipal Code or the License Agreement for activities or conduct occurring at the Parklet/Streatery location. For the purposes of this subsection, "upheld citations" mean citations which were neither overturned after contest or appeal nor dismissed.
 3. The Licensee submitted a Parklet/Streatery application containing a material misrepresentation or omission of material facts.
 4. The City Engineer determines the Parklet/Streatery shall be removed so that the Flexible Space can be returned to public use, or that the public interest/benefit outweighs the private use by the Licensee.

5. The Parklet/Streatery is not open or accessible for use during regular business hours.
6. Revocation of the License for any reason is allowed under the terms and conditions of the License Agreement.

SECTION III. CEQA

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Downtown Parklet Licensing Program has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and it has been determined that approval of these program implementation procedures are exempt from further environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), non-significant effect on environment; Section § 15301, negligible expansion of existing facilities in the right-of-way; Section § 15303(e), new construction or conversion of small structures; Section § 15304(e), temporary use of land having negligible or no permanent effects on the environment; and Section § 15305(b), issuance of minor encroachment permits. As a series of text amendments and additions without any physical project being approved, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

Specifically and additionally, as part of the review of any application to establish and operate a Parklet/Streatery in the City, the City has the authority to determine the appropriate level of environmental review and should same be necessary, require the Applicant to conduct that review as a condition to the awarding of any entitlement or permit under this Ordinance. The City Council concurs in these findings and adopts them as its own.

SECTION IV. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION V. PUBLICATION AND EFFECTIVE DATE

This ordinance shall be published in accordance with applicable provisions of law, by publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption.

This ordinance shall become effective 30 days after the date of its passage and adoption.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was first read at a regular meeting of the Novato City Council on the _____, and was passed and adopted at a regular meeting of the Novato City Council on the ___ day of _____, by the following vote, to wit:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato