

RESOLUTION NO. 08-117

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY LAND OFF HAZZARD STREET

WHEREAS, Resolution No. 08-82 of the City Council of the City of Asheville directed the City Clerk to advertise an offer to purchase for upset bids regarding property off Hazzard Street, being PIN 9649.19-60-0373; and

WHEREAS, Notice of the intent of City Council to sell said property to John L. Petty, Jr. of Asheville in the amount of \$2,600 was duly published in the Asheville Citizen-Times on April 29, 2008, and

WHEREAS, the City received no upset bid in response to said advertisement; and

WHEREAS, the City has no anticipated need for the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a deed of conveyance and all related documents, upon approval of the City Attorney, in order to convey to John L. Petty, Jr, real property off Hazzard Street, PIN 9649.19-60-0373 for the sum of \$2,600.00.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Boulson
CITY CLERK

Jerome Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 08 - 118

RESOLUTION ACCEPTING WEST POINTE DRIVE IN THE RECENTLY ANNEXED SARDIS ROAD AREA OF THE CITY OF ASHEVILLE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, West Pointe Drive is now located in the corporate limits of the City of Asheville; and

WHEREAS, West Pointe Drive is located in the Sardis Road Annexation area; and

WHEREAS, the Annexation Agreement for the Sardis Road area states that the city will accept this street in the annexed areas if the property owners provide the right-of-way; and

WHEREAS, dedication of the 40-foot right-of-way for the street has been recorded in Deed Book 4562 Page 1974 and Plat Book 118 Page 9;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

West Point Drive indicated on the attached map is accepted by the City of Asheville for maintenance.

Read, approved and adopted this 10th day of June, 2008.

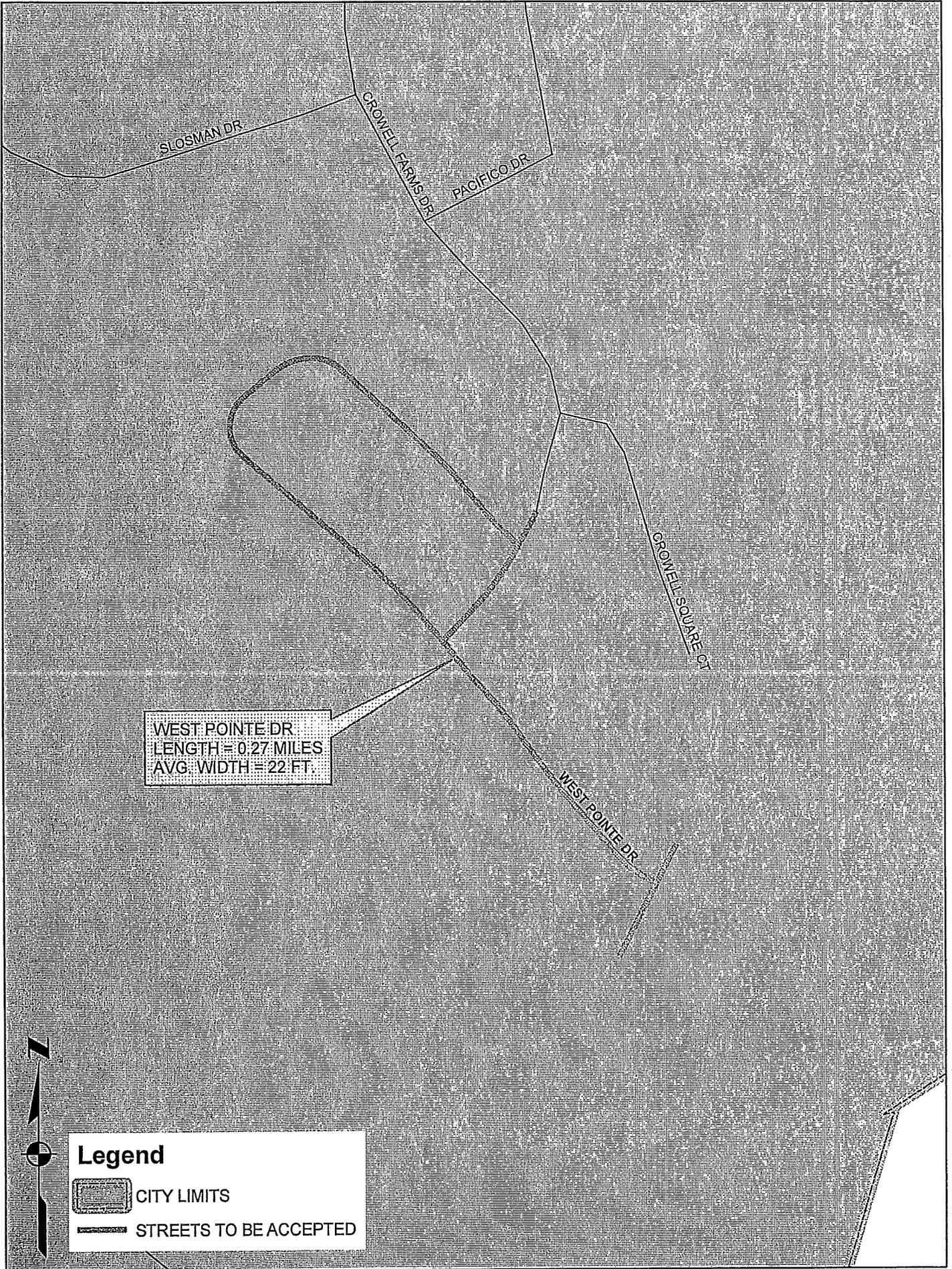
Maadalen Boulson
City Clerk

Mayor Jerry M Bellamy

Approved as to form:

[Signature]
City Attorney

Maadalen Boulson
City Clerk



RESOLUTION NO. 08- 119

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE URBAN TRAIL BLOCK PARTY ON THE DATES OF SATURDAY, JUNE 14, 2008, SATURDAY, JULY 12, 2008, SATURDAY, AUGUST 9, 2008 AND SATURDAY, SEPTEMBER 13, 2008 FROM 4:00 PM – 9:00 PM WITHIN THE BOUNDARIES OF EAGLE STREET BETWEEN THE INTERSECTIONS OF BILTMORE AVENUE AND MARKET STREETS.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Urban Trail Block Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 2008 Urban Trail Block Party event area.
2. The Urban Trail Block Party event area described is as follows:

Within the boundaries of the public right-of-way of Eagle Street running between Biltmore Avenue and Market Streets as set forth in Exhibit A attached to this resolution.

3. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Urban Trail Block Party on the days and during the times specified as follows:
- Saturday, June 14, 2008 from 4:00 PM until 9:00 PM
 - Saturday, July 12, 2008 from 4:00 PM until 9:00 PM
 - Saturday, August 9, 2008 from 4:00 PM until 9:00 PM
 - Saturday, September 13, 2008 from 4:00PM until 9:00 PM
4. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Urban Trail Block Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Urban Trail Block Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.
5. The location of the Urban Trail Block Party events, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the Festival area.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Boulson
City Clerk



RESOLUTION NO. 08-120

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH HDR ENGINEERING, INC. OF THE CAROLINAS FOR THE DEVELOPMENT OF THE CITY OF ASHEVILLE TRANSIT MASTER PLAN

WHEREAS, the existing transit system needs to be streamlined to attract new ridership from residents and tourist while maintaining the level of service currently enjoyed by the core ridership group; and

WHEREAS, the City is in need of a more efficient transit system, with improved operation, better routing, scheduling and funding sources; and

WHEREAS, the City needs to plan the transit system to accommodate future growing according to future ridership and development opportunities; and

WHEREAS, the City has issued a RFP to engage an external consultant to develop a Transit Master Plan in order to study the transit system and make recommendations; and

WHEREAS, the consulting firm, HDR Engineering, Inc. of the Carolinas was selected by the evaluation committee among nine other firms to provide those services; and

WHEREAS, City staff recommends that the City enter into a Professional Service Agreement with HDR Engineering, Inc. of the Carolinas to develop the City of Asheville Transit Master Plan.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a professional service agreement with HDR Engineering, Inc. of the Carolinas, for the development of the City of Asheville Transit Master Plan.

Read, approved and adopted this the 10th day of June 2008.

Magdalen Baulison
City Clerk

Jerome Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulison
City Clerk

RESOLUTION NO. 08- 121

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH BROWN AND CALDWELL FOR THE LOWER ROSS CREEK STORMWATER ENGINEERING ANALYSIS – PHASE 1 (SURVEYING) IN THE AMOUNT OF \$110,000 WITH A 15% CONTINGENCY.

WHEREAS, the City of Asheville solicited qualifications to engineering firms to complete the stormwater engineering analysis for the Lower Ross Creek Engineering Analysis; and

WHEREAS, the City received qualifications from ten firms;

WHEREAS, City staff along with two citizens determined that Brown and Caldwell was the most qualified to perform the Stormwater Masterplan for the Ross Creek Watershed; and,

WHEREAS, Brown and Caldwell has provided a cost of \$110,000 to perform Phase 1 (surveying) portion of this work.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract Brown and Caldwell in the amount of \$110,000 with a 15% contingency to complete a Stormwater Masterplan – Phase 1 (surveying) for the Lower Ross Creek Watershed.

Read, approved and adopted this 10th day of June, 2008.

Magdalena Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Boulson
City Clerk

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RESOLUTION NO. 08- 122

RESOLUTION AUTHORIZING EXECUTION OF AN INSTALLMENT PURCHASE CONTRACT BETWEEN REGIONS EQUIPMENT FINANCE CORPORATION (\$5 MILLION)

WHEREAS, the City of Asheville is authorized pursuant to N.C.G.S. 160A-20 to enter into installment contracts to finance the acquisition of personal property, including equipment; and

WHEREAS, the City Council of the City of Asheville has determined that in order for the City to better accomplish its public purposes, the City needs to acquire the use of the Equipment described in the schedule attached to or set forth in the Equipment Installment-Purchase Agreement (the "Agreement") as presented at the meeting of the City Council of even date herewith; and

WHEREAS, the City Council has determined that the most economical and efficient means of acquiring the use of said Equipment is pursuant to an installment purchase of the Equipment pursuant to the Agreement; and

WHEREAS, a copy of the Agreement has been presented to, considered and approved by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City is hereby authorized to enter into the Agreement between the City and Regions Equipment Finance Corporation, with all riders, certificates, schedules, and amendments thereto, substantially in the form attached hereto, and the execution and delivery of the Agreement is hereby approved, authorized, ratified and confirmed.
2. The City Manager is hereby authorized to execute and deliver the Agreement on behalf of the City in substantially the form presented to the City Council at this meeting with such changes or additions thereto or deletions therefrom as the officer executing the same shall approve, which approval shall be conclusively evidenced by his or her execution of the Agreement. The City Manager is hereby authorized to execute and deliver on behalf of the City such agreements, indemnities, purchase orders, leases, bills of sale, certificates or other instruments or obligations as it may deem necessary or appropriate to the accomplishment of the Agreement, and the execution and delivery of any such agreement, instrument or obligation prior to the date hereof by any such officer is in all respects hereby confirmed, ratified and approved. The City Clerk is hereby authorized and directed to affix the corporate seal to such instruments and to attest the same.

3. The proper officers of the City are authorized and directed to do or cause to be done all such other acts and things, to make all payments, including installment payments, required pursuant to the Agreement and related documents, and to execute all such documents, certificates and instruments as in his, her or their judgment may be necessary or advisable in order to carry out the foregoing Resolution and the City's obligations under the Agreement, or any amended, renewed or supplemental agreement, and all actions heretofore taken by the officers of the City in connection with the acquisition of the Equipment and negotiation of the Agreement are hereby approved, ratified and confirmed in all respects.

4. The City hereby designates the Agreement to be a "qualified tax exempt obligation" under the provision of Section 265(b)(3) of the Internal Revenue Code, as amended.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Boulson
City Clerk

Jerry M Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08-123

RESOLUTION AUTHORIZING THE CITY MANAGER TO WITHDRAW FROM AN AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES LAND AND WATER CONSERVATION FUND FOR CONSTRUCTION AT AZALEA PARK FOR REIMBURSEMENT OF UP TO \$91,423.

WHEREAS, the City has authority, pursuant to NCGS 160A-17.1, to accept grants from other governments; and

WHEREAS, the North Carolina Department of Environment and Natural Resources executed a Land and Water Conservation Fund Agreement with the City of Asheville for a reimbursement contract of up to \$91,423 in 2006 for construction of a trail and wildlife interpretive area at lake, a river overlook and a picnic shelter at Azalea Park; and

WHEREAS, the 2006 agreement originally estimated construction costs of \$182,846; and

WHEREAS, the project has had no other capital funds budgeted to support the project; and

WHEREAS, the North Carolina Department of Environment and Natural Resources requires a public hearing to withdraw from the Land and Water Conservation Fund agreement for construction at Azalea Park and that requirement has now been satisfied.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to withdraw from the North Carolina Department of Environment and Natural Resources Land and Water Conservation Fund agreement for construction at Azalea Park.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Bunker
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Ramon
City Attorney

Magdalen Bunker
City Clerk

RESOLUTION NO. 08- 124

RESOLUTION OBJECTING TO SALE OF LAND IN CITY-COUNTY PLAZA BY BUNCOMBE COUNTY

WHEREAS, the area located between Davidson Drive on the east, College Street on the north, South Spruce Street on the west, and Marjorie Street on the south (not including the property occupied by the Hayes & Hopson building) is known as City-County Plaza; and

WHEREAS, City-County Plaza has historically been operated by the City of Asheville and Buncombe County as a park and civic plaza, as shown by various transactions, including the following:

1. Part of what was to become City-County Plaza was conveyed to Buncombe County in 1901 by George Pack for use as a courthouse and county offices;
2. An act authorizing the acquisition of property by Buncombe County and the City of Asheville for a courthouse and municipal buildings, and validating certain prior conveyances, was adopted by the North Carolina General Assembly in 1927 (N.C. Sess. L. 1927-155).
3. Part of what was to become City-County Plaza was, by cross deeds executed in 1928, placed into joint ownership by the City and County as tenants in common;
4. The development and use of City-County Plaza, including the City Building and the Courthouse, was the subject of an agreement between the City and the County entered into in 1929; and
5. The renovation of Pack Square and City-County Plaza was the subject of an agreement entered into by the City, the County, and the Pack Square Conservancy in 2001; and

WHEREAS, the land on the southern edge of City-County Plaza that was sold by Buncombe County in November of 2006 (Deed Book 4321 at page 342, Buncombe County Registry) (herein "Subject Property") is part of the property conveyed to the County in 1901 by George Pack, is wholly or partly within the area covered by the above-referenced agreements, and was conveyed by the County without notice to or consultation with the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council objects to the sale by Buncombe County of the Subject Property as described above, and further objects to the conveyance by Buncombe County of any property located in the City-County Plaza / Pack Square Area without consultation with the City.
2. The City Council respectfully requests that the Board of Commissioners of Buncombe County undertake to re-acquire the Subject Property or otherwise ensure that it remains part of City-County Plaza and open to and available for the use and enjoyment of the public in perpetuity.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Bursleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

R. W. Dot
City Attorney

Magdalen Bursleson
City Clerk

Resolution No. 08-125

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and procedures for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, a Housing Trust Fund loan was granted to Mountain Housing Opportunities Glen Rock Development on January 16, 2007 in the amount of \$500,000; and

WHEREAS, Mountain Housing Opportunities has requested an additional Housing Trust Fund Loan in the amount of \$500,000; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposal and has made recommendations to Council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

An additional loan be made from the City of Asheville's Housing Trust Fund to the following affordable housing developer upon terms recommended by the Housing and Community Development Committee:

\$500,000 to Mountain Housing Opportunities Glen Rock Development for sixty (60) rental units on Depot Street.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Burlington
CITY CLERK

[Signature]
VICE-MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Burlington
City Clerk

RESOLUTION NO. 08-126

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH FIRST TRANSIT TO MANAGE THE OPERATION OF THE ASHEVILLE TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a Management Company to operate the transit system; and

WHEREAS, the management company is a party to a 13 (c) Labor Agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between ATS's Management Company and the ATU Local 128 is in place until June 30, 2010; and

WHEREAS, First Transit was selected by the evaluation committee among three other firms to provide management services; and

WHEREAS, City staff recommends that the City enter into a Professional Service Agreement with First Transit to manage and operate the transit system.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a professional service agreement with First Transit, to manage and operate the Asheville Transit System.

Read, approved and adopted this the 10th day of June 2008.

Magdalen Burtleson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burtleson
City Clerk

RESOLUTION NO. 08- 127

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE PURPLE BALL SPONSORED BY THE ASHEVILLE AREA ARTS COUNCIL ON SATURDAY, JUNE 14, 2008, FROM 5:00 PM – 1:00 A.M. ON SUNDAY JUNE 15, 2008 WITHIN THE PACK SQUARE GREEN AREA LOCATED NORTHWEST OF THE INTERSECTION OF MARKET STREET AND SOUTH PACK SQUARE.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 2008 Purple Ball for the benefit of the Asheville Area Arts Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 2008 Purple Ball event area.
2. The 2008 Purple Ball event area described is as follows:

Within the boundaries of the green space on the eastern portion of Pack Square which is located northwest of the intersection of S. Pack Square and Market Street as set forth in Exhibit A attached to this resolution.

3. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall

be allowed for the 2008 Purple Ball on Saturday June 14, 2008 between the hours of 5 p.m. though 1:00 a.m. on Sunday June 15, 2008.

- 4. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Purple Ball event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Purple Ball event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.
- 5. The location of the Purple Ball, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the Festival area.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Paulson
City Clerk

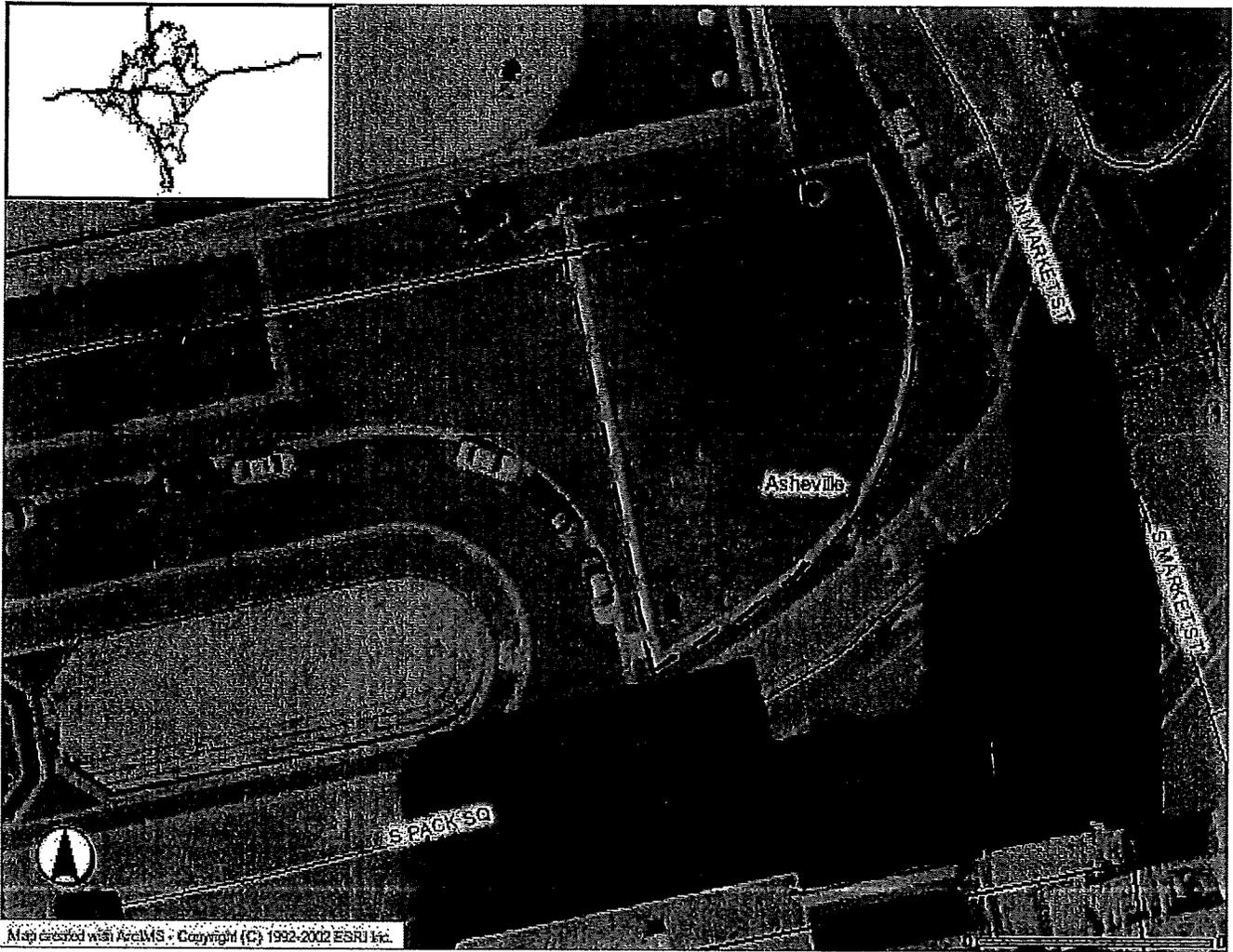
Deryn Bellamy
Mayor (19)

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

EXHIBIT A



Map created with ArcIMS - Copyright (C) 1992-2002 ESRI Inc.

RESOLUTION NO. 08- 128

RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUIT (BROWN AND ESTATE OF THOMPSON V. CITY OF ASHEVILLE, ET AL)

WHEREAS, on December 20, 2005, officers of the Asheville Police Department engaged in a vehicular pursuit of a criminal suspect, who was attempting to elude the police; and

WHEREAS, the suspect vehicle turned from Fairview Road onto the exit ramp for westbound I-40, heading east into westbound traffic, and collided with a vehicle driven by Mark Thompson, with Jeffrey Brown as a passenger; and

WHEREAS, Mr. Thompson died in the collision and Mr. Brown sustained severe injuries; and

WHEREAS, Mr. Brown and the estate of Mr. Thompson have filed a lawsuit against the City of Asheville and the police officers involved in the pursuit alleging that the City and the officer were negligent and grossly negligent in initiating the pursuit and in the manner in which the pursuit was carried out; and

WHEREAS, the estate of John Reynolds is also a defendant in the lawsuit; and

WHEREAS, at a pre-trial mediation involving all parties and their insurance carriers, a settlement of all claims was agreed to whereby plaintiff Thompson estate will receive \$1.1 million and plaintiff Brown will receive \$1.2 million to be paid as follows:

\$1.5 million from the City of Asheville, with \$1 million to be reimbursed to City by City's excess insurance carrier;

\$700,000 from Cincinnati Insurance Company, the insurer for the vehicle being driven by Plaintiffs, through under-insured motorist coverage;

\$100,000 from Progressive Insurance Company, the insurer of the vehicle driven by Defendant Reynolds.

WHEREAS, pursuant to City Resolution No. 93-145, settlements in excess of \$25,000 must be approved by City Council; and

WHEREAS, the City Council has determined that it is in the interest of the City to settle this matter in accordance with the terms outlined above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Settlement of the above-referenced lawsuit in accordance with the terms outlined herein be, and the same is hereby, approved, and the City's Attorneys in this matter are hereby authorized to execute any documents necessary to give effect to this resolution and to cause payment in the negotiated amount to be issued by or on behalf of Asheville Claims Corporation.

Upon finalization of this settlement, this resolution shall become a public record pursuant to N.C. law.

Read, approved and adopted this 10th day of June, 2008.

Magdalen Boulison
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Paul J. [Signature]
City Attorney

Magdalen Boulison
City Clerk