



CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY

MINUTES

Joint REGULAR Meeting
Wednesday, April 24, 2024 * 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
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The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

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- Live Broadcast on Local Govt. Channel: Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- Archived videos online: The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch [Library](#) (157 Stevens Ave.), La Colonia Community Ctr., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, [received](#) after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the agenda posting. Materials submitted for consideration should be forwarded to the [City Clerk's department](#) 858-720-2400. The designated location for viewing of hard copies is the City Clerk's office at City Hall during normal business hours.

PUBLIC COMMENTS

Written correspondence (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.

- Correspondence received after the official posting of the agenda, but two hours prior to the meeting start time, on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.

And/Or

Verbal Comment Participation:

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports. Public speakers have 3 minutes each to speak on each topic. Time may be donated by another

individual who is present at the meeting to allow an individual up to 6 minutes to speak. Group: Time may be donated by two individuals who are present at the meeting allowing an individual up to 10 minutes to speak. Group Hearings: For public hearings only, time may be donated by two individuals who are present at the meeting allowing an individual up to 15 minutes to speak.

SPECIAL ASSISTANCE NEEDED

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the [City Clerk's office](#) (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set all electronic devices to silent mode and engage in conversations outside the Council Chambers.

<u>CITY COUNCILMEMBERS</u>		
Lesa Heebner Mayor		
Jewel Edson Deputy Mayor / Councilmember District 3		Kristi Becker Councilmember District 2
Jill MacDonald Councilmember District 4		David A. Zito Councilmember District 1

Dan King
Interim City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:03 p.m.

Present: Lesa Heebner, Jewel Edson, Kristi Becker, Jill MacDonald, David A. Zito

Absent: None

Also Dan King, Interim City Manager

Present: Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Mo Sammak, City Engineer/Public Works Dir.
Rachel Jacobs, Finance Dir.
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Becker and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

- Earth Day/Month

Mayor Heebner read a proclamation in honor of Earth Day on April 22nd focusing on environmental awareness and Solana Beach's efforts to combat climate change.

- San Diego County Fair

Mayor Heebner presented a proclamation to Carlene Moore, Del Mar Fairgrounds 22nd District Agricultural Association, recognizing the significance of the annual San Diego County Fair, its history, and partnership with the City, and declaring June 12th San Diego County Fair Day in Solana Beach.

Carlene Moore, CEO Del Mar Fairgrounds 22nd District Agricultural Association, acknowledged the City's partnership with the Fair and reviewed the upcoming events at the Fair beginning on June 12th.

ORAL COMMUNICATIONS:

Comments relating to items on this evening's agenda are taken at the time the items are heard. This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Terri-Ann Skelly, San Dieguito Alliance for Drug-Free Youth, submitted a handout (on file) and spoke of concerns regarding the sale of kratom, an unregulated psychoactive substance, and highlighted the dangers associated with its use. She asked Council to implement an ordinance like one adopted by the City of Oceanside which bans the sale of kratom and other synthetic drugs.

Peggy Walker, San Dieguito Alliance for Drug-Free Youth, expressed concerns about the sale of kratom in the City and referenced warnings from the FDA and the Mayo Clinic regarding its psychoactive and addictive properties as well as the lack of oversight and age restrictions. She said that the sale of kratom is prevalent in gas stations and café bars and that the long-term effects of these drugs liken it effects to opioids. She urged Council to adopt an ordinance like the one adopted in the City of Oceanside and provide information on the FDAs stance on kratom.

Kelly McCormick, Public Health Educator, asked the Council to ban the sale of kratom products in Solana Beach and referenced an investigative report which highlighted hundreds of overdoses and deaths related to kratom. She said the concerns for the lack of regulation and warning labels, the variability of active ingredients, harmful interactions with other substances, and its addictive nature should be considered for a ban on sales in Solana Beach and asked Council to protect the community.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.9.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be heard immediately after approval of the Consent Calendar to hear the public speaker.

All speakers should refer to the public comment section at the beginning of the agenda for details. Please be aware of the timer light on the Council Dais.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on March 13, 2024 and March 27, 2024.

Approved Minutes <https://www.cityofsolanabeach.org/en/government/public-meetings/agendas-minutes-videos>

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for March 23, 2024 – April 5, 2024.

[Item A.2. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2023/2024 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2023-2024 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.4. Street Maintenance & Repair Project Fiscal Year 2022-23 Notice of Completion. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2024-004:**
 - a. Authorizing the City Council to accept, as complete, the FY 2022-23 Street Maintenance & Repair Project, Bid No. 2023-07, performed by Quality Construction & Engineering.
 - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.4. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.5. Security and Alarm Monitoring Services. (File 0700-40)

Recommendation: That the City Council

1. Adopt **Resolution 2024-026:**
 - a. Authorizing the City Manager to execute a Professional Services Agreement, on behalf of the City, with Rancho Santa Fe Security for security and alarm monitoring services in Fiscal Year 2024/25 in an amount not to exceed \$17,000 for Fiscal year 2024/25 from account 1006560-65300.
 - b. Authorizing the City Manager to extend the agreement up to four additional one-year terms, at the City's option, at an amount not to exceed the amount budgeted in each subsequent year.
 - c. Authorizing the City Manager to increase the annual not to exceed amount by 5% for FY 2025/26, 4.8% for FY 2026/27, 4.5% for FY 2027/28, 4.3% for FY 2028/29.
 - d. Authorizing the City Treasurer to amend the Fiscal Year 2024/25 Budget accordingly.

[Item A.5. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.6. Trash Abatement Services. (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2024-037**:
 - a. Authorizing the City Manager to execute a Professional Services Agreement with PRIDE Industries, in an amount not to exceed \$51,599.69 for FY 2024/25, for trash abatement, minor landscaping and other duties as assigned in public areas to be split between Street Sweeping account 1006550-65300 and Public Facilities account 1006570-65300.
 - b. Authorizing the City Manager to extend the agreement for up to four additional one-year terms at the City's option in an amount not to exceed \$51,599.69 per year.
 - c. Authorizing the City Treasurer to amend the FY 2024/25 Adopted Budget accordingly.

[Item A.6. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.7. Street Maintenance and Repairs Project Fiscal Year 2023-24. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2024-043**:
 - a. Approving the list of streets scheduled for maintenance and repairs as part of the 2023/24 Street Maintenance and Repairs Project.
 - b. Authorizing the City Engineer to advertise for construction bids for the 2023/24 Street Maintenance and Repairs Project.

[Item A.7. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.8. Americans with Disability Act (ADA) Pedestrian Ramps. (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2024-041**:
 - a. Awarding a construction contract to LC Paving & Sealing in the amount of \$54,300 for the ADA Pedestrian Ramps, Bid No. 2024-05.
 - b. Approving an amount of \$5,430 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Appropriating \$6,921 to the Federal Grants revenue account and to the ADA Pedestrian Ramps CIP project, both in the CDBG fund.

- e. Appropriating \$7,809 to the ADA Pedestrian Ramps CIP project from Gas Tax.
- f. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

[Item A.8. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

A.9. Temporary Lifeguard Supervisor Position Addition. (File 0510-00)

Recommendation: That the City Council

1. Approve **Resolution 2024-044** approving the Temporary/Seasonal Lifeguard Supervisor classification and updating the FY 2023/2024 Temporary/Part-Time/Seasonal Salary Schedule 6 accordingly.

[Item A.9. Report \(click here\)](#)

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. *All other speakers should refer to the public comment section at the beginning of the agenda for time allotment.* Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 718-732 Stevens Avenue, Applicant: 3981 Garfield St. LLC, Case No: DRP22-003/SMP22-001/SDP22-001, APN: 298-164-10 & 13. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and Major Subdivision. Therefore, should the City Council be able to make the findings to approve the DRP and SMAP, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and

3. If the City Council can make the requisite findings and approve the Project, adopt **Resolution 2024-045** conditionally approving a DRP, SMAP, and SDP for the Stevens 13 Avenue Project at 718-732 Stevens Avenue, Solana Beach.

[Item B.1. Report \(click here\)](#)

[Item B.1. Updated Report #1 \(added 4-24-24 at 12:15pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Dan King, Interim City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed height of the buildings, parking layout, trash enclosure size, solar panel installation, fire access, the potential impact on stormwater runoff into nearby Stevens Creek, assurances regarding compliance with building codes, fire safety standards, and stormwater management requirements, the feasibility of certain design elements, such as the turning radius for parking and the adequacy of the trash enclosure size, and the possibility of incorporating permeable surfaces for parking areas to mitigate runoff impacts.

Tim Golba, Golba Architecture, presented a PowerPoint (on file) of the design concepts for the proposed development project, highlighting key aspects such as site layout, building placement, parking arrangements, and landscaping. He reviewed the efforts to integrate the project with the existing neighborhood while utilizing the site's topography to create a balanced and visually appealing design, and the engagement with neighbors through the sharing of renderings to provide a realistic visualization of the project's impact.

Council and Applicant discussed the garage parking and the allowance for additional parking outside of the garages as surplus guest parking, the design feature to prevent easy access between units for the safety and accessibility of roof decks between buildings, the choice of materials for railings and openness to using glass railings for visibility, considering native and drought-tolerant plant materials for landscaping, and utilizing garage spaces for parking rather than storage.

Lawrence and Melissa Gallego presented posters and said that the project was a three-story building towering over their backyard and disrupting their view and privacy, that there were issues regarding parking, sunlight, and the invasion of privacy due to the height of the building and the positioning of decks, and asked Council to mitigate these concerns by reducing the height of the building and the number of units.

Danny Hernandez said that he had concerns about the proposed three-story buildings, worries about parking and traffic congestion, particularly regarding the tightness of the driveways in the proposed development, that the neighborhood was predominantly zoned for two-story buildings and suggested that reducing the height of the new development would better align with the character of the area.

Tara Hernandez said she was speaking in support of neighbors Melissa and Larry Gallegos and that she empathized with her neighbors' situation, as a similar issue had occurred with her own property, that the project's size had an impact on shadows cast on neighboring houses, that she advocated for reducing the project to two stories to preserve the character of the neighborhood and prevent future developments from overshadowing the area.

Maura Griffin said that the building heights in the area should remain unchanged, the need for the building to be lowered, that more green space be included, and concerns about the number of units proposed for the development.

Richard Cordes said that he opposed the proposed development, citing concerns about the impact on the scenic view of Stevens Creek Valley from Hernandez Street that the proposed building was a giant that they do not want in the area, and that it should be reduced in size.

Chad Arenson stated concerns about the proposed development's impact on the neighborhood's character and affordability, the importance of balancing return on investment (ROI) with community needs, that the proposed density increase does not adequately benefit the community, particularly in terms of affordable housing, and urged Council to consider making the project conform to existing regulations by limiting height and maintaining a lower unit count to better align with community interests.

PJ Chrysostomides, Applicant, said that they originally planned to build 11 units instead of nine, that this layout was a result of working with the City to meet all requirements, that the height of the existing buildings are 30 ft., that the density bonus was warranted given the affordable housing component, that the project was carefully planned to mitigate issues with parking and height, that the project would enhance the community preserving the neighborhood's character while providing much-needed housing, and that landscape plans would minimize visual impact on neighboring properties.

Council and Applicant discussed that the reduction of the height of the back buildings was not economically feasible, that they would be willing to remove rooftop decks if the community felt they were not historically appropriate, that the developer agreed to consider using solid railings instead of glass at the back to provide more privacy to neighboring properties, and that landscaping options should be chosen to soften the visual impact of the development.

Johanna Canlas, City Attorney, explained the limitations imposed by state law on the Council's discretion regarding land use decisions and were required to adhere to objective standards and could not change them to reduce density.

Council discussed their limitations and frustration with the process and encouraged the community to advocate for restoring local land use authority to cities.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Edson to close the public hearing. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

Council discussed modifications and requested that the Applicant work with the neighbors in choosing appropriate vegetation for the east end of the project to shield the project's view.

Motion: Moved by Deputy Mayor Edson and second by Councilmember MacDonald to approve. **Approved 5/0** with modifications to 1) remove roof decks 2) garages be used for parking 3) that rear balcony rails be opaque and not see through 4) increase vegetation on east end of project 5) native and drought tolerant plantings where feasibility. Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

Mayor Heebner recessed the meeting at 7:55 p.m. for a break and reconvened at 8:02 p.m.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Public Right-of-Way Parkway Surface Alternatives. (File 0820-18)

Recommendation: That the City Council

1. Receive report, discuss and provide direction, as necessary.

[Item C.1. Report \(click here\)](#)

[Item C.1. Supplemental Docs \(updated 4-24-24 at 5:25pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Dan King, Interim City Manager, introduced the item.

Mo Sammak, Engineering/Public Works Dir., presented a PowerPoint (on file) giving an overview of the current state of right-of-way improvements and seeking direction from the Council on potential alternative options.

Catherine Barnes expressed support for expanding options for approved ground coverings in the right-of-way areas in front of houses and said that there were benefits of decomposed granite (DG) in certain circumstances but highlighted its limitations, particularly on sloped properties where it can cause runoff issues and create hazards for pedestrians, especially those with disabilities. She suggested alternative options such as pavers to achieve a balance of safety, aesthetics, and environmental responsibility.

Council discussion centered on finding suitable surface options for city rights-of-way, particularly driveways and parking areas, the use of Decomposed Granite (DG) and alternative options for surfacing public areas and walkways, that DG is favored for its rural

and informal look, but it may not be suitable for all locations, such as steep slopes and areas prone to water runoff, the issues with DG maintenance including the breakdown of bonding agents and the need for frequent restoration, the need for surfaces to be walkable and compatible with mobility aids like walkers and wheelchairs for safety and accessibility, alternative materials like pavers, stamped concrete, and crushed rock, developing guidelines and policies for right-of-way improvements, questions about permit fees for maintenance projects in the right-of-way and possible reduced fees for such projects, and the need for a balance between aesthetics, environmental impact, safety, and maintenance when selecting surfacing materials for public areas.

WORK PLAN COMMENTS:

Adopted June 28, 2023

Mayor Heebner said that she expected a public speaker requesting that Cipriana Gonzales be considered for a La Colonia commemorative plaque on the tot lot.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency “City” at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

ADJOURN:

Mayor Heebner adjourned the meeting at 9:04 p.m.

Angela Ivey, City Clerk

Approved: May 22, 2024