

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, January 25, 2023 * 6:00 p.m.

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

Teleconference: Zito – 603 Seabright Lane, Solana Beach, CA. 92075

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- 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.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

Lesa Heebner
Mayor

David A. Zito
Councilmember District 1
Kristi Becker
Councilmember District 2

Jewel Edson
Councilmember District 3
Jill MacDonald
Councilmember District 4

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:22 p.m.

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

Absent: None

Also Greg Wade, City Manager

Present: Johanna Canlas, City Attorney

Angela Ivey, City Clerk

Dan King, Assistant City Manager

Mo Sammak, City Engineer/Public Works Dir.

Rod Greek, Interim 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 MacDonald to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

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.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.7.)

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 following City Council meetings held December 14, 2022.

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

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. 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 December 17, 2022 – January 6, 2023.

Item A.2. Report (click here)

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.

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

A.3. General Fund Adopted Budget for Fiscal Year 2022/2023 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022-2023 General Fund Adopted Budget.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve.

Approved 5/0. Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.4. Third Regional Beach Sand Project (RBSP III). (File 0740-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-013** authorizing City Manager to act on behalf of the City of Solana Beach, in consultation with the City Attorney, to sign the MOU with SANDAG to participate in Phase I of RBSP III and contribute \$14,925 from existing funds held by SANDAG as the local cost share for the work effort.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve.

Approved 5/0. Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.5. Roof Replacements of the Fletcher Cove Community Center and the Marine Safety Center. (File 0740-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-007:**
 - a. Awarding a construction contract for the Fletcher Cove Community Center and Marine Safety Center roof replacements, Bid No. 2022-08, in the amount of \$348,000, to Preman Roofing.
 - b. Approving an amount of \$52,200 (15%) for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
 - e. Authorizing the City Treasurer to increase the FY 2022/2023 CIP Budget in the amount of \$120,200; and authorizing the transfer of \$120,200 from the General Fund unallocated reserve to the CIP Budget.
 - f. Authorizing the City Treasurer to amend the Fiscal Year 2022/2023 Adopted Budget accordingly.

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

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.

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

A.6. Joint State Parks Grant Application Submittal. (File 0740-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-012** ratifying, authorizing and approving submittal of a Grant application to the State of California Department of Parks and Recreation, Division of Boating and Waterways, for Project funding and authorizing the City Manager or his designee to act on behalf of the City of Solana Beach, in consultation with the City Attorney, to negotiate and execute all agreements and amendments necessary to comply with the State Parks, Division of Boating and Waterways grant requirements related to the Project.

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

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

A.7. State Legislative Consultant Services. (File 0740-10)

Recommendation: That the City Council

1. Adopt **Resolution 2023-014:**
 - a. Authorizing the City Manager to execute a Professional Services Agreement, in an amount not to exceed \$121,709.31, with Emanuels Jones and Associates for state legislative consultant services from Fiscal Year 2022-23 through 2025-26.
 - b. Authorizing the City Manager to extend the agreement up to three additional one-year terms at the sole discretion of the City.
 - c. Authorizing an increase in appropriation of \$150.00 to the Professional Services account in the City Manager department from unreserved fund balance.
 - d. Authorizing the City Treasurer to amend the FY 2022/23 Adopted Budget accordingly.

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

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.

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

B. PUBLIC HEARINGS: (B.1. – B.3.)

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: 622 Glenmont, Applicant: Sanson, Case: MOD22-005. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings to approve a modification to the approved DRP/SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council disclosures, Receive public testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.
3. If the City Council makes the requisite findings and approves the proposed project modification, adopt **Resolution 2023-010** conditionally approving a modification to the original approval in order to remodel the existing residence within the three-dimensional building envelope of the approved structure, eliminate the proposed basement level, eliminate the roof deck and modify the proposed grading and landscaping plans at 622 Glenmont Drive, Solana Beach.

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

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.

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

June Sanson, Applicant, said that they bought the house in 2019 and were glad to be back in town and that they were reducing the size due to construction costs.

Steve Dalton, Architect, presented a PowerPoint (on file) showing the previously approved project and the revised design.

Council and Applicant discussed a limitation of the hedge at 12 ft. to preserve the neighbors' views, that the Applicant worked with their neighbors, that the wall on the south side is very high and they intended to cover the wall with trees that would not exceed the wall.

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

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

B.2. Public Hearing: 658 Marsolan., Applicants: Gumanovskaya and Shlopov, Case: DRP21-018, SDP21-016. (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. Therefore, 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-009** conditionally approving a DRP and SDP to demolish a single-story, single-family residence, construct a replacement multi-level, single-family residence with a basement level attached garage, an attached main floor ADU, and perform associated site improvements at 658 Marsolan Avenue, Solana Beach.

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

[Item B.2. Supplemental Docs \(upd. 1-25-23 at 4pm\)](#)

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.

Councilmember Edson recused herself due to property interest within 500 ft. of the proposed project.

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Marina Gumanovskaya, Applicant, said that they worked with their neighbors to address their concerns and made changes to accommodate them, and they were surprised to hear of new issues yesterday.

Steve Dalton, Architect, presented a PowerPoint (on file) and said that they made a significant reduction of the size of the building, that the story poles were the original height and the green-tagged was added to illustrate the reduction, that perhaps the comments received did not fully understand the story pole differentiation, that the project was a nice mediation between both side neighbors, that all setbacks were more than required and still included many recesses and projections for articulation, there were many two-story homes in the neighborhood, and that it was a thoughtful house for the area.

Council, Staff, and Applicant discussed that the property owners intended to use the roof deck to watch the sunset, that it was a small area and set in the center of the project, that the lower retaining walls were for the slope and contained plantings, the street improvements set a 10 ft. decomposed granite (DG) path to clear the area in case a sidewalk was put in at a later date, that the front retaining walls added bulk instead of natural slopes, that at least 2 of the 3 walls would be required for this slope, that foliage would obscure the walls, concerns about the scale, mass, bulkiness, building placement, neighborhood compatibility, the deck placed on top of a 3rd story appeared massive and large, that the upstairs deck off of the bedroom was ½ the width of the lot and should be reduced or staggered, that masonry around the house creates a visual bulk by boxing in the house, that the two decks stacked width with the wide fascia adds to the scale, that the second story deck looked like a wide roof over the first floor, that 4 people wrote in objecting due to incompatibility with the neighborhood, that it looks like a 3 story with a deck on top, that the garage was only 1 ft. below grade, the front yard retaining walls added to the appearance of a 3-story house, that it was a beautiful design but massive because of some of the elements in this area, the appearance of a lack of articulation, and that the Applicant would prefer a continuation to come back with a redesign.

Mayor Heebner stated that the public hearing would remain open, and they cannot talk to the public about the project.

Motion: Moved by Councilmember Zito and second by Councilmember Becker to continue the public hearing to a date certain of March 22, 2023. **Approved 4/0/1.** Ayes: Heebner, Zito, Becker, MacDonald. Noes: None. Absent: Edson (recused). Motion carried.

B.3. Public Hearing: 738 Castro, Applicant: Tresp, Case: DRP21-021, SDP21-020.
(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 SDP. Therefore, 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 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-111** conditionally approving a DRP and SDP to remodel and construct an addition to an existing single-family residence with a two-car garage and perform associated site improvements at 738 Castro Street, Solana Beach.

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

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Greg Wade, City Manager, introduced the item.

Tiffany Wade, Assistant Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Brian Tresp, Applicant, presented a PowerPoint (on file).

Council and Applicant discussed that the intent of the roof deck was to sit outside at sunset with visibility of the Fairgrounds and that the Applicant was unsure of what would be on the deck.

Manny Aguilar, Claimant, presented a PowerPoint (on file) showing the impact of the project on their view, that the project started in 2016, that they had no issue with the building structure, that the rooftop deck was the issue and how it impacts their view, that there was a mass deck area and they had no idea of what it would be used for, that the topography of the lot was maximized, that he had an ocean view for 30 years but he could not keep all of it with new builds, and to consider cutting the neighbor's bamboo.

Kent Malmberg said that he lived on Ida Ave., adjacent to the property, that it was slated for a one story and some things had been added and there had been some new impacts, that he was concerned about the deck which in line with their bedroom window, that there were not any big rooftop decks like this in the neighborhood, and that furniture on it would be an eyesore.

Brian Tresp, Applicant, (rebuttal) said that he had one party in 17 years, he referenced his PowerPoint slide to show a canary palm that was on his fence line against Kent's home that he would have kept but they wanted it out so now he looks down on them, that he removed the tree to open an ocean view for Kent, and that he was a good neighbor in the past with this gesture.

Council, Applicant, and Claimant discussed that the view obstruction had been remedied, restricting items on the roof deck, removing or reducing decks, concerns with the new deck and impacts of the stair steps, and obscured railing.

Brian Tresp, Applicant, said that he would be willing to eliminate the higher deck #1 and limit the height on items on the lower deck not to exceed beyond the height of the railing.

Mayor Heebner recessed the meeting at 8:08 p.m. for a break and reconvened the meeting at 8:18 p.m.

Craig Friehauf, Architect, said that they had a solution as he showed on the screen pulling back deck #2, solid railing, and eliminating deck #1.

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

Motion: Moved by Councilmember Becker and second by Mayor Heebner to approve adding conditions to remove the upper deck, obscure the deck railing, and move back the lower deck to line up with the stairs. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

C. STAFF REPORTS: (C.1. – C.2.)

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. License Plate Recognition Cameras on City Traffic Signals Consideration.

(File 0200-00)

Recommendation: That the City Council

1. Adopt Resolution 2023-015:

- a. Authorize the City Manager to issue encroachment permits to the San Diego County Sheriff's Department to install eight (8) Automated License Plate Recognition (LPR) cameras on traffic signals in the City using Reckor Systems Inc. equipment; and
- b. Authorize the City Manager to reimburse the County of San Diego Sheriff's Department in the amount of \$34,544 for the cameras, licensing, and service fees for three (3) years and \$11,520 for the associated cellular service fees.
- c. Authorize the City's Interim Finance Director/Treasurer to transfer \$46,064 from the general fund unreserved fund balance to the Law Enforcement Department Professional Services account for this purpose.

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

[Item C.1. Supplemental Docs \(upd. 1-25-23 at 2:15pm\)](#)

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.

Greg Wade, City Manager, introduced the item.

Chris Lawrence, North Coast Sheriff's Stations Administrative Lieutenant, presented a PowerPoint (on file) reviewing the program, and said that LPRs (License Plate Recognition) uses optical character recognition to read license plates, that the vendor Rekor was elected as the provider for fixed sites, using the Edge Pro camera which was capable of reading plates

within two traffic lanes, both Del Mar and Encinitas are implementing LPRs, and that the only data provided to them is the license plate and make of the car but no owner information.

Council, Staff, and Lt. Lawrence discussed that many individuals were caught using the LPRs in Carlsbad during 2021 and 2022 all related to a larger South America theft group operating in San Diego, that the cellular provider used is Verizon, that sites are selected as ingress and egresses to areas and the City, that a license plate is vetted for a stolen car and then entered into the system and when a camera picks it up an alert will be sent, that annual audits are performed and reported to the Department of Justice, and that statistics are kept with the crime analyst.

Motion: Moved by Councilmember Edson and second by Councilmember MacDonald to approve and provide an annual review or finding of the program and reserve some leeway to adjust locations if there are issues with getting Caltrans or Del Mar approval for shared intersections. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

C.2. 2023 Citizen Commission Appointments. (File 0120-06)

Recommendation: That the City Council

1. Appoint three (3) members to the Budget and Finance Commission nominated/appointed by individual members (Mayor Heebner, Councilmember Edson, and Councilmember Zito) for two-year terms.

Motion: Moved by Mayor Heebner and second by Councilmember Becker to approve appointments of Christopher Maulik (Heebner), Jeff Lyle (Edson), and Kenneth Zito (Zito, no relation). **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

2. Appoint three (3) members to the Climate Action Commission nominated/appointed by *Council-at-large for the following positions:*
 - a. Two (2) *Resident* appointments for two-year terms.
 - b. One (1) *Professional* appointment for member of the environmental and/or scientific community (*resident or non-resident*) for a two-year term.

Motion: Moved by Councilmember Becker and second by Councilmember Edson to approve appointments of residents Mika Nagamine, John Kellogg, and Ken Flagg and professional position to Michael McClune. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

3. Appoint four (4) members to the Parks and Recreation Commission nominated/appointed by *Council-at-large* for two-year terms.

Due to the lack of clarity of appointment choices, the deadline will be extended.

4. Appoint four (4) members to the Public Arts Commission nominated/appointed by *Council-at-large* for two-year terms.

Due to the lack of clarity of appointment choices, the deadline will be extended.

5. Appoint three (3) members to the View Assessment Commission: three (3) positions for two-year terms by individual members (Mayor Heebner, Councilmember Edson, and Councilmember Becker)

Motion: Moved by Councilmember Zito and second by Councilmember Becker to approve appointment of Bob Moldenhauer (Heebner), Rich Villasenor (Edson), and Matthew Cohen (Becker). **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

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

[Item C.2. Updated Report #1](#)

[Item C.2. Updated Report #2](#)

[Item C.2. Supplemental Docs \(upd. 1-25-23 at 10am\)](#)

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.

WORK PLAN COMMENTS:

Adopted June 22, 2022

COMPENSATION & REIMBURSEMENT DISCLOSURE:

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)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

CITIZEN COMMISSION(S)

ADJOURN:

Mayor Heebner adjourned the meeting at 9:03 p.m.

Angela Ivey, City Clerk

Council Approved: February 22, 2023