CALL TO ORDER AND ROLL CALL:
Mayor Heebner called the meeting to order at 6:00 p.m.

Present: Heebner, Zito, Marshall, and Nichols.
Absent: Zahn.
Also Present: David Ott, City Manager
           Wende Protzman, Acting City Manager
           Johanna Canlas, City Attorney
           Angela Ivey, City Clerk
           Wende Protzman, Community Development Dir.
           Mo Sammak, City Engineer/Public Works Dir.
           Dan Goldberg, Principal Engineer
           Marie Berkuti, Finance Manager
           Dan King, Sr. Management Analyst

CLOSED SESSION REPORT: (when applicable)
Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:
Mayor Heebner led the flag salute.

APPROVAL OF AGENDA:
MOTION: Moved by Zito and seconded by Marshall. Motion carried 4/0/1 (Absent: Zahn)

PRESENTATIONS:
(Ceremonial items that do not contain in-depth discussion and no action/direction.)
ABS - Mira Costa College

Dr. Sunny Cooke, Superintendent Mira Costa College, stated that that the college had been selected among 12 community colleges in the state to offer a 4 year degree at the campus and that the degree would be in the bio-manufacturing field. She stated that the 4 year degree would cost less than $11,000 and that the pilot program would begin in
2017. Dr. Cooke stated that there would be a new technology institute opening in Carlsbad which would provide advanced manufacturing training, that the new facility was made possible through a department of labor grant.

**ORAL COMMUNICATIONS:**
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. Comments relating to items on this evening's agenda are taken at the time the items are heard. 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 (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Torgen Johnson provided an update on the San Onofre issue. He stated that the decommissioning plan had a dangerous component to it, that nuclear experts were challenging the how the dangerous spent fuel would be stored near the bluff edge which was planned to be stored there for up to 300 years. He asked Council to place this issue on a future agenda for further discussion.

There was Council consensus to place item on a future agenda.

Steve Ostrow stated that he was a member of the Solana Beach Seaweeders Club, that the club promoted gardening and beautification at various sites in the City, and that the group had been exploring additional sites for a community garden. He stated that the dilemma was the question of where and how to afford land costs, that Ms. Kramer, a member of the club, had approached them regarding a potential site for a community garden, that the land would allow a community garden for 15-20 families at a nominal cost, and asked Council for their assistance in making this possible.

Katie Pelisek stated that she had been a resident for 21 years, that she was happy with recent improvements in the City, and that she had recently seen an event at the Community Center where the guests were unable to approach the fence overlooking the beach due to a barricade that had been put up. She requested that Council make a priority to remedy barricade policy to have a more beautiful and welcoming facility to allow guests to get best views while enjoying the community center.

Irina Gronberg stated that had lived in the City for 38 years and that she was a member of the Seaweeders, who were interested in increasing the beauty of the City. She stated that the City of Del Mar had taken their fallen Torrey Pine tree and had a sculpture created out of it. She showed a picture of the tree sculpture which was in a Union Tribune article. She stated that the artist Tim Richards offered to create a sculpture for the City with the fallen Torrey Pine tree on the Coastal Rail Trail for no cost, that the sculpture would take approximately 6 months to create, and that the City could remove the sculpture if they wanted to.
COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:
Mayor Heebner announced that the City had received the Community Improvement Project award for the Highway 101 Improvement project.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.2.)
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 discussed immediately after approval of the Consent Calendar.

A.1. Register Of Demands. (File 0300-30)
Recommendation: That the City Council


MOTION: Moved by Nichols and seconded by Zito. Motion carried 4/0/1 (Absent: Zahn)

Item A.1. Report (click here)

Recommendation: That the City Council


MOTION: Moved by Nichols and seconded by Zito. Motion carried 4/0/1 (Absent: Zahn)

Item A.2 Report (click here)
B. **PUBLIC HEARINGS: (B.1. - B.2.)**
   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 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 have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. **2015 Annual Housing Element Progress Report. (File 0610-10)**
   Recommendation: That the City Council


      a. Finding that the proposed action is not a project, and is therefore exempt from the California Environmental Quality Act pursuant to Section 21065 of the State CEQA Guidelines; and
      b. Approve the 2015 Housing Element Annual Progress Report as submitted and directing City Staff to file the report with the Department of Housing and Community Development and the Governor’s Office of Planning and Research.

David Ott, City Manager, introduced the item.

Russel Brown, Planning Technician, presented a PowerPoint presentation (on file) reviewing the Housing Element Progress Report.

**MOTION:** Moved by Zito and seconded by Marshall to close the public hearing. **Motion carried 4/0/1** (Absent: Zahn)

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried 4/0/1** (Absent: Zahn)

[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.*
B.2. **Solana Highlands Revitalization Project - Consideration of a Request for a Partial Story Pole Waiver. (File 0600-40)**

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing; Report Council disclosures; Receive public testimony; Close the public hearing.


David Ott, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented a PowerPoint (on file) reviewing the project.

Council and City Manager discussed how the grade and height of the buildings would be depicted by using a mobile lift system and how the story poles would be surveyed if a mobile lift system was used. Discussion continued that as proposed every building would have a minimum of one story pole which would represent the tallest part of the building, that story pole waivers had been done in the past on residential and commercial projects, that past waivers had not gone to Council since waivers were typically done at a Staff level, that due to the visibility and public interest in the project the waiver request for this project went before Council for a hearing, and that there would be at least 4 lifts at the project site, more could be added if directed, and strings could be placed across the poles to show the building outline.

**Applicant**

Mike Neal, President, HG Fenton, applicant, presented a PowerPoint (on file) reviewing the project. He stated that they had originally contracted to have story poles, however once the area was surveyed with the Fire Department it was realized that story poles were not feasible due to preventing access to public safety vehicles. He stated that HG Fenton had invested a lot of funds into improving Solana Highlands, that customers wanted more from the units, that they redesigned the units to provide more functionality to residents, and that they were trying to create value for the community.

John La Raia, HG Fenton, continued PowerPoint presentation. He stated that corners of building were marked to show where buildings started and ended, he showed pictures of various story poles on the property and what poles would look like on the lift. He stated that all roof lines on buildings on North Nardo would match or be below existing roof lines in the area, and that all building height would drop away from the North Nardo edge.

Council, City Manager and applicant discussed story poles, that 25% of poles would use the lift system, and that there would be no new buildings close to the edge of the street that what already existed today.

Council, Staff, and speaker discussed how the story pole markings would be done on the street, that most story poles along the street would be installed, that there would be a lift in each driveway, and discussed logistics of how each story pole using a lift system would be certified, and discussed whether using a lift system for the story poles would provide an
accurate representation of the project for residents and allow them to determine if there would be any view impairments from their residences.

Speakers
James Adamo stated that he was representing St. James Catholic Church / School. He stated that they would like to see outline of building from their property, that there would also be concerns regarding noise, dust and dirt during the construction during school hours, and stated that the church shared a property line with the project and they wanted to see the building that would be affecting their property.

Michael Nunh stated that he lived above the property, that he may have a view concern, and that from his property there would not be a view of the shape of building through existing vegetation. He stated that there was concern for the church school since there were 3 buildings proposed near the church, that one building would be inserted into the hill, that there was a parking lot proposed between the two buildings, and that the building would look directly over onto the playground of the school. He stated that he was concerned regarding the placement of the story poles, that this was a massive project and that it would be difficult to view what the project would look like with the current proposed placement of the story poles.

Phil Weber stated that story poles told a story, that without all points connected the entire project could not be viewed, that there would have to have 40 lifts to show the entire project, and that he wanted a good representation of the building.

Zahra Nowbahari stated that the project devitalized and destroyed the city, that there should be denial of the partial story poles waiver and the increase of units. She stated that the request for additional units in the most dense area of the City was outrageous, that it ruined the quality of life of those who lived near the project, that the project would take 3-5 years to complete, and that story poles allowed for the community to visualize the entire project.

Tim Cagle stated that story poles were a touchy issue, that he had requested a story pole waiver for his project and was denied and he had to send $700 to place story poles in a zero view area, and that he felt the story pole requirement was to generate funds for the City. He stated that the waiver should be denied or the story pole process should be reviewed to require story poles for only those projects that may have view impairment issues.

Jesse Quinsaat stated that he had been a resident for 28 years, that in order to get a story pole waiver for his project he had to get approval from all his neighbors, that waivers were taken seriously in the City, and that there should be a balancing test to determine if it was safety issues or ingress and egress issues that was causing the issue with story poling. He questioned which poles were safety issue oriented, and stated that it was more important to see the entire view of the project.

David Checkley stated that complete story poles were needed, that it was an incomplete story with incomplete story poles, and that visualization was much better with story poles
and it was not the same looking at the computer screen. He stated that the waiver should be rejected.

Adrienne Davenport stated that she lived across the street from the project, that it was a significant revitalization project, and that there had been a height waiver requested and now a story pole waiver. She stated that she was concerned that the entire project would not be visual with lack of story poles, and that it was not feasible to have 54 lifts at one time.

Cathy V. Neville stated that she had been a resident for over 25 years, that she was shocked to see the expansion and height increases of the building, and that she requested Council to deny the story pole waiver and waiver to increase units. She stated that partial poles would give a skewed view of the project, questioned how the project could have partial story poles under CEQA regulations, and stated that Council should consider the community by allowing full view of the project.

George Boyd (time donated by Devon Hedding and Susan Bruun). Mr. Boyd stated that the applicant had proposed a project that would change Nardo, that all story poles should be placed at the site to view the entire project, and that the proposed story pole alternatives could not be certified for accuracy that is required. He urged the Council to fully story pole the site for full 30 days, and stated that the project would impact the entire city.

Erik Guittard stated that he opposed the story pole waiver for the project, that the waiver would disguise how dramatic of a change the project was, and that the community needed to see how the project would impact them. He stated that he was required to have story poles installed for his project with heights certified by a surveyor with a large expense, that the applicant was already trying to skirt the first requirement, and that the applicant may not have the best intentions for the community in mind. He stated that the applicants were asking the residents to further cut back on water usage by adding more density and population to the City.

Jim Ratzer (time donate by Gina Jacobs and Karen Griglak). Mr. Ratzer stated that he was a former member of the View Assessment Commission, had participated in many view cases and evaluated view impairments, and that a balance was required between public safety and the requirement for the community to have the opportunity to evaluate potential view blockages. He stated that the primary point he took from the presentation was that the applicant wanted a waiver for 53 poles and would only have 4 lift trucks, that this would not provide an accurate representation of the entire project, that lift trucks were not a workable solution to assist in determining view impairment issues, and that the purpose of story poling and the view ordinance was to place the burden on the developer to provide full disclosure of the project. He stated that the project did not comply with the view ordinance, that if the waiver was granted it would place the burden on home owners to review and understand the story pole plan, that most home owners did not have training to read or interpret story pole plans, and that it would be a disadvantage to home owners to try and determine if there would be view impairment issues. He stated that if the waiver was granted it would create bad precedence, that the community was not being afforded a fair chance to see the view issues, that the project was not fair and violated the view
ordinance, and that residence should be allowed to see impacts over various times of day which was an important part of the view analysis. He stated that computer simulations did not provide an accurate view of the project or potential view impacts, questioned how the VAC would analyze view issues, that the waiver would place the burden on the homeowner not the applicant, and that Council should not adopt the proposed resolution. He stated that there should be a workshop scheduled to work together on a story poling approach for everyone to discuss, and that the community should have equal access to the City to discuss alternatives.

Thomas Kaiser stated that 3D renderings would not work in place of the story poles, that there were other options for story poles such as structural story poles done with steel, and that if approved; this would set precedence for future developments. He stated that there had been no community involvement, and that he recommends Council not to approve the story pole waiver.

Michael Davidson stated that the proposed expansion would evict his daughter and the other residents, that current residents would have to find other housing after being evicted from this project, and that he was glad to live in a town that resisted big box expansion. He stated that the project was out of portion for the area, that the partial story pole waiver was a tactic of the applicant from preventing the community on viewing how large the expansion would be, that the project would impact traffic, that it would eliminate a low income housing in the area, and that evicting this population was not civic idea of the town.

Lisa Levin stated that she had lived in the City for 23 years, and that she opposed the story pole waiver. She stated that a large fraction of 54 story poles sat on highest part of the development which would not be a clear impression of what the project would look like.

Mike Neal, applicant, stated that he was sensitive to those who lived in the building and that is why the project would be phased, that they cared what the project impact would be, and that it was important to hear community input. He stated that they had reviewed many alternatives regarding the story poles and that they were open to community workshops.

Council and speaker discussed the current trees on the property and whether they were diseased and had to be removed, that there had not been a final determination on what trees had to be removed due to grading issues, and that the applicant was discussing this issue with Staff.

Johanna Canlas, City Attorney, stated that there were constitutional limitations regarding government actions that would displace individuals from their homes, that if the City did this, the City would be responsible to pay relocation fees for everyone for a 30 day period to erect the story poles.

David Ott, City Manager, stated that the view process was not revenue to the City, that it was a deficit to the city, and that it was highly subsidized by the City.

Mike Diego, Fire Department, stated that he had walked the property several times, that the yellow poles were the ones that needed a different option due to ingress / egress
issues for public safety, that the issue was both the pole and the guide wire, and that if there were different options the Fire Department would re-evaluate them.

David Ott, City Manager, stated that steel structural story poles could be used as an option but there were some earthquake issues and the story pole company would have a liability.

Johanna Canlas, City Attorney, stated that the project was not exempt from CEQA, that the Environmental Impact Report (EIR) was already in process, that it did not meet definition of project under CEQA, that the story poles were being put up for information gathering for any potential visual impacts, and cited CEQA Guidelines 15306.

David Ott, City Manager, stated that they had informed the applicant to bring in a recycled water line for all irrigation due to water conservation issues.

Johanna Canlas, City Attorney, stated that the project had been noticed 3 times, that notices were sent out to all properties within 1000 feet of the project rather than the required 300 feet, that the notices had gone out prior to the required time, and that the project was published in the newspaper.

Council, City Manager, and applicant discussed that the story poles could be over exaggerated beyond the size of the building to get more story poles used, that it was possible but poles would have to be a lot taller to accommodate a fire truck, regarding time it would take to set up the crane, certify the pole and then move to the next pole, that timing would depend on the height of the pole, and the applicant felt that it could be accomplished in two days.

Johanna Canlas, City Attorney, stated that the City had received a letter from an attorney stating that that had been was a procedural defect which would require the City to deny the project. She addressed several issues in the letter and stated that the attorney wrongly assumed that the Community Development Director was the only one who could waiver story poles and that the Director made the appeal to the View Assessment Commission (VAC). she stated that the VAC was a subordinate body by the Council, that the Council was the ultimate decision maker, that the director may refer any items to the Council and the Council would have ultimate hearing authority, 2) that it was not a project under CEQA, that by doing this by way of public hearing that it was depriving the public of due process right, that the point of a public hearing was to allow the public to speak about opinions regarding the waiver, also stated that it was also mentioned in the letter was that there was constitutional rights protection, that the applicant had made a request to the Council and it had been heard. She addressed a couple of comments mentioned during the meeting, and stated that Council had a legal requirement to entertain alternative options since all poles could not be placed at the site due to issues at the project site, that Council could not deprive someone the ability to develop a project, and that if Council refused options to the developers it would pose legal challenges.

Council Disclosures: Mayor Heebner stated that she had met with applicants over the past couple years and had read many letters / emails regarding the project, Deputy Mayor Zito stated that he was familiar with the project site, had attended the EIR scoping meeting, had spoken with some individuals regarding the project, and had not spoken with
developer. Councilmember Nichols stated that he had several meetings with the developer over the course of three years that he was familiar with site, and had not spoken with residents. Councilmember Marshall stated that she had not met with the developer or spoken to anyone, that she had just read emails/letters.

Council discussed that there were perhaps additional story pole options that had not been considered by the developer, that the developer should explore alternatives, that there should be a public forum on the issue, that alternatives included over story poling the project to allow for more placement of story poles, and that if lifts were used scheduling would be needed to place limited burden on the public. Discussion continued regarding residents rights to see the entire project outline, that more than two days would be needed to have the lifts onsite, and that the goal was to provide as many story poles as possible not only for view issues but also to assess the bulk and scale of the project.

Johanna Canlas, City Attorney, stated that if the Council desired to continue the public hearing, the public hearing would remain open which meant that there could be no discussion between the Council and public regarding the project.

David Ott, City Manager, stated that the item could be continued to a date certain of April 8, 2015.

**MOTION:** Moved by Zito and seconded by Nichols to continue the item to a date certain of April 8, 2015 and to have at least one public workshop with the developer. Motion carried 4/0/1 (Absent: Zahn)

**Item B.2 Report (click here)**
- B.2. Supplemental Documents - R
- B.2. Supplemental Documents 3-9 last update 5:30 pm - R
- B.2.e. Supplemental Document 3-11-15 9:00am - R
- B.2. Updated Report #1
- B.2.f. Supplemental Document 3-11-15 5:02pm

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Mayor Heebner recessed the meeting for a break at 8:30 p.m. and called the back to order at 8:40 p.m.

**C. **STAFF REPORTS: (C.1. - C.3.)
- Submit speaker slips to the City Clerk
C.1. **Adoption (2nd Reading) Ordinance 457 Amending Solana Beach Municipal Code Relating to Appeal Procedures. (File 0480-10)**

Recommendation: That the City Council

1. Adopt Ordinance 457 Amending Section 2.04.220(C)(2) of Chapter 2.04, Amending Section 2.32.090, Section 2.32.110 and 2.32.120, and Adding Section 2.32.150 of Chapter 2.32 of the Solana Beach Municipal Code.

Johanna Canlas, City Attorney, read the title of Ordinance 457.

**MOTION:** Moved by Zito and seconded by Marshall. **Motion carried 4/0/1** (Absent: Zahn)

Item C.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.

C.2. **California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority. (File 0220-30)**

Recommendation: That the City Council


2. Review and adopt Resolution 2015-030 consenting to Inclusion of Properties within the City’s Incorporated Area in the CHF PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving associate membership in CHF.

David Ott, City Manager, introduced the item.

Danny King, Sr. Management Analyst, presented a PowerPoint (on file).

Crystal Crawford, Regional Director, Ygrene, discussed the financing program. She stated that Ygrene was less expensive in fees and interest rates than other programs, that there were terms from 5 to 30 years available which made financing more affordable, and stated that the JPA performed all administrative functions, and that there was no cost or liabilities to the City to join.

**MOTION:** Moved by Zito and seconded by Heebner. **Motion carried 4/0/1** (Absent: Zahn)

Item C.2 Report (click here)
C.3. **Recreational Vehicle Parking Discussion. (File 0870-40)**

Recommendation: That the City Council

1. Provide direction to Staff.

David Ott, City Manager, introduced the item.

Wende Protzman, Community Development Director, presented a PowerPoint (on file) reviewing possible alternatives for recreational vehicle parking.

Council and Staff discussed the definition of "public street v. "public right-of-way," and where the City had jurisdiction to enforce parking. Discussion continued that the City could regulate parking in the right-of-way with appropriate amendments to the City’s Code, that in order to enforce regulations signs would be required at enforcement locations, and that the City would 1st provide a warning notice then a ticket. Discussion continued that there were several issues around the City with recreational vehicle parking, that it was a recurring problem, and that there had been an increase in complaints within the last 6 months.

Andy Schmidt stated that there were a few people parking in dense areas, that in his experience everyone was respectful and neighbors worked it out among themselves. He stated that the state defined oversized vehicles as being 25 feet or larger which captured most large vehicles, and urged Council to handle this issue on a case by case basis. Council discussed that these issues were all complaint driven, that it would largely be enforced on a case by case basis, and that Council was interested in restricting oversized vehicles rather than campers. Council discussed to restrict overnight parking, and have permitted daily parking, that permits would be based on certain hours, and that there was no interest in regulating private property. Discussion continued that the Staff should work on definition of "oversized vehicle," that the public should be provided with the ability to call in complaints rather than code enforcement out patrolling for issues, that if permits were required they should be affordable or free and easily accessible such as applying on the City website, and that if the process was convenient the public would utilize the service.

**Item C.3 Report (click here)**

**C.3. Supplemental Documents - R**

**C.3. Supplemental Documents 3-10-15 - R**

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**WORKPLAN COMMENTS:**

Adopted June 25, 2014

**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 at the next regular meeting of the legislative body.
COUNCIL COMMITTEE REPORTS:
Council presented their committee reports.

Regional Committees: (outside agencies, appointed by this Council)

a. City Selection Committee (meets twice a year) - Nichols, Zahn (alternate).
b. County Service Area 17 - Zahn, Marshall (alternate).
c. Escondido Creek Watershed Authority - Marshall/Staff (no alternate).

   d. League of Ca. Cities’ San Diego County Executive Committee - Nichols, Zahn (alternate) and any subcommittees.

e. League of Ca. Cities’ Local Legislative Committee - Nichols, Zahn (alternate).

g. North County Dispatch JPA - Zahn, Nichols (alternate).
h. North County Transit District - Nichols, Heebner (1st alternate)
i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).

j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.

k. SANDAG Shoreline Preservation Committee - Nichols, Heebner (alternate).
l. San Dieguito River Valley JPA - Zito, Zahn (alternate).
m. San Elijo JPA - Marshall, Zito (both primary members) (no alternates).

n. 22nd Agricultural District Association Community Relations Committee - Heebner, Nichols.

Standing Committees: (All Primary Members) (Permanent Committees)

c. I-5 Construction Committee - Heebner, Zito.
d. Parks and Recreation Committee - Heebner, Nichols.
e. Public Arts Committee - Nichols, Zito.

ADJOURN:
Mayor Heebner adjourned the meeting at 8:58 p.m.

Angela Ivey, City Clerk          Adopted: June 10, 2015