



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Jan. 9, 2024, 5 p.m.

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

How to Watch

In Person



City Council Chamber
1200 Carlsbad Village Drive

On TV



Watch the city's cable channel
Spectrum 24 and AT&T U-verse 99

Online



Watch the livestream at
carlsbadca.gov/watch

How to Participate

If you would like to provide comments to the City Council, please:

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- For non-agenda public comment, speakers must confine their remarks to matters within the City Council's subject matter jurisdiction.
- For public comment on agenda items, speakers must confine their remarks to the question or matter under consideration.
- Speakers have three minutes, unless the presiding officer (usually the Mayor) changes that time.
- You may not give your time to another person, but can create a group. A group must select a single speaker as long as three other members of your group are present. All forms must be submitted to the City Clerk before the item begins and will only be accepted for items listed on the agenda (not for general public comment at the beginning of the meeting). Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.
- Failure to comply with the rules for public participation is disruptive conduct. Continuing disruptive conduct after being asked by the presiding official to cease may result in removal from the meeting.

Reasonable Accommodations

Reasonable Accommodations Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 442-339-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to make arrangements. City staff will respond to requests by noon on Tuesday, the day of the meeting, and will seek to resolve requests before the start of the meeting in order to maximize accessibility.

More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20.

The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).

CALL TO ORDER: 5 p.m.

ROLL CALL: Blackburn, Bhat-Patel, Acosta, Burkholder, Luna.

ANNOUNCEMENT OF CONCURRENT MEETINGS: City Council is serving as the Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 4, and as the City Council and Carlsbad Municipal Water District Board of Directors on Consent Calendar Item Nos. 6 and 7.

PLEDGE OF ALLEGIANCE: Council Member Burkholder led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Dec. 5, 2023

Minutes of the Special Meeting held Dec. 12, 2023

ACTION: Minutes were approved as presented – 5/0.

PRESENTATIONS:

Proclamation in recognition of Lynn Flanagan Day

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: No reportable action.

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda, provided remarks are confined to matters within the City Council's subject matter jurisdiction. Please treat others with courtesy, civility, and respect. Members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other non-agenda public comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

CONSENT CALENDAR: *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

1. **REPORT ON CITY INVESTMENTS AS OF NOV. 30, 2023** – Accept and file Report on City Investments as of Nov. 30, 2023. (Staff contact: Craig Lindholm and Roxanne Muhlmeister, Administrative Services)

ACTION: Council received the report – 5/0.

2. **AWARDING A CONTRACT TO CONAN CONSTRUCTION, INC. FOR CONSTRUCTION OF THE CALAVERA HILLS COMMUNITY CENTER REFURBISHMENT PROJECT** – Adoption of a resolution accepting bids, determining the bid submitted by Dynamis Now, LLC to be non-responsive, and awarding a contract to Conan Construction, Inc. for construction of the Calavera Hills Community Center Refurbishment Project, in an amount not to exceed \$1,217,750. (Staff contact: Molly Amendt, Public Works Department)

ACTION: Adopted Resolution No. 2024-001 – 5/0.

3. **ADVERTISE FOR BIDS FOR THE SCHULMAN AUDITORIUM AUDIO-VISUAL UPDATE PROJECT** – Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Schulman Auditorium Audio-Visual Update Project. (Staff contact: Steven Stewart, Public Works Department)

ACTION: Adopted Resolution No. 2024-002 – 5/0.

4. AUTHORIZE ADDITIONAL CONTINGENCY FUNDS FOR THE PRESSURE-REDUCING STATION REPLACEMENT PHASE 2 PROJECT – Adoption of a Carlsbad Municipal Water District Board of Directors resolution authorizing additional contingency funds and increasing the Executive Manager’s authority for approval of change orders by \$345,300 to the revised amount of \$870,000 for the Pressure-Reducing Station Replacement Phase 2 Project. (Staff contact: Emily Hasegawa and Dave Padilla, Public Works Department)

ACTION: Adopted CMWD Resolution No. 1724 – 5/0.

5. AMENDMENT TO A GRANT OF EASEMENT WITH THE SAN DIEGO GAS AND ELECTRIC FOR THE POWER YOUR DRIVE FOR FLEETS MAKE-READY INFRASTRUCTURE PROGRAM – Adoption of a resolution authorizing a first amendment to a grant of easement with San Diego Gas and Electric for the Power Your Drive for Fleets Make-Ready Infrastructure Program to install electric vehicle charging infrastructure. (Staff contact: Bradley Northup, Public Works Department)

ACTION: Adopted Resolution No. 2024-003 – 5/0.

6. ADVERTISE FOR BIDS FOR THE VALLEY STREET WATER MAIN REPLACEMENT PROJECT AND THE FOXTAIL LOOP, PALOMAR OAKS WAY AND TYLER STREET ALLEY SEWER PROJECTS – 1) Adoption of a Carlsbad Municipal Water District Board of Directors resolution approving plans, specifications and contract documents and authorizing the Secretary of the Board of Directors to advertise for bids for the Valley Street Water Main Replacement Project; and
2) Adoption of a City Council resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Foxtail Loop, Palomar Oaks Way and Tyler Street Alley Sewer projects. (Staff contact: Dave Padilla and Daniel Zimny, Public Works Department)

**ACTION: Adopted CMWD Resolution No. 1725 and
Adopted Resolution No. 2024-004 – 5/0.**

7. AGREEMENT FOR SYSTEM INTEGRATOR SERVICES TO REPLACE THE WATER AND WASTEWATER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEMS – 1) Adoption of a Carlsbad Municipal Water District Board of Directors resolution approving a professional services agreement with Partners in Control, Inc., doing business as Enterprise Automation, for system integrator services for Phase 1 of the project to replace the water and wastewater Supervisory Control and Data Acquisition Systems; and
2) Adoption of a City Council resolution authorizing the use of the sewer replacement fund for the city’s portion of a professional services agreement with Partners in Control, Inc., doing business as Enterprise Automation, for system integrator services for Phase 1 of the project to replace the water and wastewater Supervisory Control and Data Acquisition Systems. (Staff contact: Stephanie Harrison and Vicki Quiram, Public Works Department)

**ACTION: Adopted CMWD Resolution No. 1726 and
Adopted Resolution No. 2024-005 – 5/0.**

8. ACQUISITION AND RESALE OF EIGHT UNITS AS PART OF THE CITY’S AFFORDABLE HOUSING RESALE PROGRAM – Adoption of a resolution authorizing the City Manager to execute all required documents to complete the purchase and resale of eight at-risk affordable housing units as part of the City’s

Affordable Housing Resale Program and authorizing the Deputy City Manager, Administrative Services to appropriate \$2,056,755 from the Housing Trust Fund for related costs. (Staff contact: Nicole Piano-Jones, Community Services)

ACTION: Adopted Resolution No. 2024-006 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS:

9. MAYORAL APPOINTMENT OF ONE MEMBER TO THE BEACH PRESERVATION COMMISSION – Adoption of a resolution appointing one member to the Beach Preservation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2024-007 Appointing Spencer Burrows to the Beach Preservation Commission – 5/0.

10. DISTRICT 4 APPOINTMENT OF ONE MEMBER TO THE PARKS & RECREATION COMMISSION – Adoption of a resolution appointing one member to the Parks & Recreation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2024-008 Appointing Julie Ann Knight to the Parks & Recreation Commission – 5/0.

ORDINANCES FOR INTRODUCTION:

11. ANNUAL ELECTED OFFICIAL COMPENSATION REVIEW – 1) Conduct the annual review of elected officials’ compensation; and

2) Introduce an ordinance titled either:

- A. “An ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.010(A), to adjust City Council members’ compensation by the percentage increase in the San Diego Regional Consumer Price Index for 2023” (Exhibit 1), or
- B. “An ordinance of the City Council of the City of Carlsbad, California, permanently waiving City Council compensation adjustments for 2024” (Exhibit 2); or,
- C. Provide other direction as desired.

3) Introduce an ordinance titled either:

- A. “An ordinance of the City Council of the City of Carlsbad, California, amending Title 2, Chapter 2.04, Section 2.04.020(A), to adjust City Clerk and City Treasurer compensation by the percentage increase in the San Diego Regional Consumer Price Index for 2023” (Exhibit 3), or
- B. “An ordinance of the City Council of the City of Carlsbad, California, declining City Clerk and City Treasurer compensation adjustments for 2024” (Exhibit 4); or,
- C. Provide other direction as desired.

(Staff contact: Judy von Kalinowski and Silvano Rodriguez, Administrative Services)

City Manager’s Recommendation: Conduct the review and adopt the ordinances.

ACTION: Council conducted the annual review of elected officials’ compensation; and

Introduced Ordinance No. CS-462 and revised the percentage increase compensation for City Council Members to 4%; and

Introduced Ordinance No. CS-463 and revised the percentage increase compensation for the City Clerk and City Treasurer to 4% (see minutes for details) – 5/0.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS:

12. **TAX AND EQUITY FISCAL RESPONSIBILITY ACT PUBLIC HEARING FOR THE REISSUANCE OF TAX-EXEMPT BONDS FOR THE MARIPOSA APARTMENTS** – 1) Hold a public hearing as required by the Tax and Equity Fiscal Responsibility Act and the Internal Revenue Code of 1986; and
2) Adoption of a resolution approving the reissuance of tax-exempt multifamily housing revenue bonds and certain actions required to remarket the bonds for the Mariposa Apartments, a 106-unit multifamily affordable rental housing development located in Carlsbad, California. (Staff contact: Mandy Mills, Community Services)

City Manager’s Recommendation: Take public input, close the public hearing, and adopt the resolution.

ACTION: Adopted Resolution No. 2024-009 – 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

13. **2024 WORK PLANS FOR THE PARKS & RECREATION COMMISSION, SENIOR COMMISSION AND BEACH PRESERVATION COMMISSION** – 1) Adoption of a resolution accepting the 2023 Work Plan Report of Accomplishments and approving the 2024 Work Plan for the Parks & Recreation Commission; and
2) Adoption of a resolution accepting the 2023 Work Plan Report of Accomplishments and approving the 2024 Work Plan for the Senior Commission; and
3) Adoption of a resolution accepting the 2023 Work Plan Report of Accomplishments and approving the 2024 Work Plan for the Beach Preservation Commission. (Staff contact: Mick Calarco, Eric Biggin and Nick Stupin, Community Services)

City Manager’s Recommendation: Adopt the resolutions.

ACTION: Adopted Resolution No. 2024-010; and

Adopted Resolution No. 2024-011; and

Adopted Resolution No. 2024-012 – 5/0.

14. **UPDATE ON THE BARRIO TRAFFIC CIRCLES PROJECT AND SELECTING A TRAFFIC CALMING OPTION FOR TWO OF THE EIGHT INTERSECTIONS** - Receive an update; and 1) Adoption of a resolution approving curb extensions at the intersections of (1) Palm Avenue and Harding Street and (2) Magnolia and Madison Street for the Barrio Traffic Circles Project; or
2) Adoption of a resolution approving raised medians at the intersections of (1) Palm Avenue and Harding Street and (2) Magnolia and Madison Street for the Barrio Traffic Circles Project (Staff contact: Tom Frank and Lauren Ferrell, Public Works Department)

City Manager’s Recommendation: Receive the update and adopt a resolution.

ACTION: Adopted Resolution No. 2024-013 – 5/0.

15. **SEMIANNUAL TRANSPORTATION REPORT** – Receive the Semiannual Transportation Report. (Staff contact: Tom Frank, Public Works Department)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS: *This portion of the agenda is for the City Council Members to make brief announcements, brief reports of their activities and requests for future agenda items.*

City Council Regional Assignments (Revised 12/12/23)

Keith Blackburn Mayor	Buena Vista Lagoon JPC Chamber of Commerce Liaison (alternate) Encina Joint Powers JAC Encina Wastewater Authority Board of Directors Economic Development Subcommittee SANDAG Board of Directors (2 nd alternate) SANDAG Shoreline Preservation Work Group (alternate)
Priya Bhat-Patel Mayor Pro Tem – District 3	City/School Committee Clean Energy Alliance JPA Economic Development Subcommittee League of California Cities – SD Division (alternate) North County Transit District SANDAG Board of Directors (1 st alternate)
Melanie Burkholder Council Member – District 1	City Council Legislative Subcommittee North County Dispatch Joint Powers Authority (alternate) SANDAG Board of Directors
Teresa Acosta Council Member – District 4	Chamber of Commerce Liaison City Council Legislative Subcommittee City/School Committee Clean Energy Alliance JPA (alternate) Encina Joint Powers JAC (alternate) Encina Wastewater Authority Board of Directors (alternate) League of California Cities – SD Division North County Dispatch Joint Powers Authority San Diego County Water Authority
Carolyn Luna Council Member – District 2	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors North County Transit District (alternate) SANDAG Shoreline Preservation Work Group

PUBLIC COMMENT: Continuation of the Public Comments

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.

ANNOUNCEMENTS:

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

CITY CLERK COMMENTS:

ADJOURNMENT: 6:31 p.m.

City Council Meeting Procedures (*continued from page 1*)

Written Materials

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk.

Visual Materials

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 442-339-2820 or manager@carlsbadca.gov to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

Decorum

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

City Council Agenda

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

Presentations

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

Consent Items

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

Public Comment

Members of the public may speak on any city related item that does not appear on the agenda, provided remarks are confined to matters within the City Council's subject matter jurisdiction. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed, provided remarks are confined to the question or matter under consideration. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

Public Hearing

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

Departmental Reports

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

Other Reports

At the end of each meeting, City Council members and the City Manager, City Attorney and City Clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

City Council Actions

Resolution

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

Ordinance

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is “introduced” by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for “adoption.” If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

Motion

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a “second” from another City Council member to be eligible for a City Council vote.