



CITY COUNCIL Agenda

Feb. 27, 2024, 5 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

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:

ROLL CALL:

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Minutes from the Regular Meeting held Feb. 6, 2024

Minutes from the Special Meeting held Feb. 15, 2024

PRESENTATIONS:

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

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. DATA SHARING AGREEMENT WITH THE COUNTY OF SAN DIEGO REGARDING THE COLLECTION, USE AND DISCLOSURE OF EMERGENCY MEDICAL SERVICES CARE RECORDS AND PATIENT DATA – Adoption of a resolution authorizing the City Manager to approve an agreement with the County of San Diego, as the local Emergency Medical Services agency, to define and control the use of pre-hospital data provided by the Carlsbad Fire Department's Emergency Medical Services System. (Staff contact: Nathan Pearson, Fire Department)
2. AMENDMENT NO. 5 TO AN AGREEMENT WITH EMERGENCY VEHICLE SYSTEMS LLC FOR THE OUTFITTING OF POLICE PATROL VEHICLES – Adoption of a resolution authorizing Amendment No. 5 to an agreement with Emergency Vehicle Systems LLC for police patrol vehicle outfitting, extending the term of the agreement by six months. (Staff contact: Bradley Northup, Public Works Department)
3. LOW CARBON FUEL STANDARD CREDITS FOR ELECTRIC VEHICLE CHARGING STATIONS – Adoption of a resolution authorizing the City Manager or designee to track, manage, bank and sell low carbon fuel standard credits in accordance with the regulations set by the California Air Resources Board. (Staff contact: Shawn Gaskari, Public Works Department)
4. CONTINUATION OF PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REMOVAL OF SEDIMENT AND VEGETATION ON THE BUENA VISTA CREEK CONCRETE CHANNEL NEAR EL CAMINO REAL – Adoption of resolution continuing the proclamation of a storm-related local emergency for removal of sediment and vegetation in the Buena Vista Creek Concrete Channel near El Camino Real. (Staff contact: Tom Frank, Public Works Department)

5. CONTINUATION OF PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE – Adoption of a resolution continuing the proclamation of a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive. (Staff contact: Tom Frank, Public Works Department)
6. ENDING THE FEB. 8, 2024, STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF A STORM DRAIN PIPELINE ON CARLSBAD VILLAGE DRIVE NEAR PONTIAC DRIVE – Adoption of a resolution terminating the proclamation of a storm-related local emergency for repair of a storm drain pipeline on Carlsbad Village Drive near Pontiac Drive. (Staff contact: Tom Frank, Public Works Department)

BOARD AND COMMISSION MEMBER APPOINTMENTS:

7. MAYORAL APPOINTMENT OF TWO MEMBERS TO THE AGRICULTURAL CONVERSION MITIGATION FEE CITIZENS' ADVISORY COMMITTEE – 1) Adoption of a resolution appointing one member to the Agricultural Conversion Mitigation Fee Citizens' Advisory Committee; and
2) Adoption of a resolution appointing one member to the Agricultural Conversion Mitigation Fee Citizens' Advisory Committee. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager's Recommendation: Adopt the resolutions.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

8. ECONOMIC AND FINANCIAL UPDATE FOR THE SECOND QUARTER OF FISCAL YEAR 2023-24 – 1) Receive the report on the economic and financial update for the second quarter of fiscal year 2023-24 and provide direction as appropriate; and
2) Receive a report on the results of the fiscal year 2023-24 mid-year budget review; and
3) Adoption of a resolution authorizing the City Manager or designee to appropriate \$245,000 from the Fleet Maintenance Fund for citywide fuel costs and \$80,000 from the Stormwater Enterprise Fund for a funding study to the Fiscal Year 2023-24 Operating Budget. (Staff contact: Zach Korach and Matt Sanford, Administrative Services Department)

City Manager's Recommendation: Receive the reports and adopt the resolution.

9. AGREEMENT WITH CHEN RYAN ASSOCIATES, INC., DBA CR ASSOCIATES, FOR TAMARACK AVENUE COMPLETE STREETS SERVICES – Adoption of a resolution accepting proposals and awarding an agreement to Chen Ryan Associates, Inc., dba CR Associates, to provide transportation planning, engineering design and environmental assessment services for the Tamarack Avenue Complete Streets Plan for an amount not to exceed \$283,241. (Staff contact: Nathan Schmidt, Public Works Department)

City Manager's Recommendation: Adopt the resolution.

10. CONSIDER DISCUSSING PROPOSED REVISIONS TO THE CITY’S CODE AND GENERAL PLAN RELATING TO MCCLELLAN-PALOMAR AIRPORT – Consider a request from Mayor Blackburn to engage in a discussion regarding a request from Citizens for a Friendly Airport relating to revisions to the City’s Code and General Plan relating to McClellan-Palomar Airport. (Staff contact: Jason Haber, City Manager Department)

City Manager’s Recommendation: Provide direction to staff.

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:

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.



CITY COUNCIL Minutes

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Feb. 6, 2024, 5 p.m.

CALL TO ORDER: 5 p.m.

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

PLEDGE OF ALLEGIANCE: Senior Deputy City Clerk Tammy McMinn led the Pledge of Allegiance.

ANNOUNCEMENT OF CONCURRENT MEETINGS: Mayor Blackburn announced that the City Council was serving as the Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 3.

APPROVAL OF MINUTES: None.

PRESENTATIONS:

Proclamation in Recognition of the Great Kindness Challenge
City Council Member Acosta presented the proclamation to Jill McManigal, Executive Director of Kids for Peace and Ben Churchill, Carlsbad Unified School District Superintendent.

Proclamation in Recognition of Black History Month
Mayor Pro Tem Bhat-Patel presented the proclamation to Public Works Engineering Technician Teresa Hodges.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: City Attorney Cindie McMahon announced there was no reportable action.

PUBLIC COMMENT:

Raul Villamar expressed concerns regarding increased construction and homelessness in the Barrio area.

Kathy Steindlberger encouraged the City Council to engage in an active analysis of how the City of Oceanside's sand retention project will impact Carlsbad beaches.

CONSENT CALENDAR:

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to approve Consent Calendar Item Nos. 1 through 6. Motion carried, 4/0/1 (Luna – Absent).

1. **ADVERTISE FOR BIDS FOR THE PARK DRIVE STREET AND DRAINAGE IMPROVEMENTS PROJECT, CIP PROJECT NO. 6611** – Adoption of Resolution No. 2024-018 approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Park Drive Street and Drainage Improvements Project, CIP Project No. 6611. (Staff contact: Brandon Miles and Hossein Ajideh, Public Works Department)

2. ADVERTISE FOR BIDS FOR THE POINSETTIA LIFT STATION GENERATOR REPLACEMENT PROJECT, CIP PROJECT NO. 3840-23 – Adoption of Resolution No. 2024-019 approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Poinsettia Lift Station Generator Replacement Project, CIP Project No. 3840-23. (Staff contact: Dave Padilla and Daniel Zimney, Public Works Department)
3. AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR THE ADAMS STREET WATER MAIN REPLACEMENT PROJECT, CIP PROJECT NO. 5035-3 – Adoption of Carlsbad Municipal Water District Board of Directors Resolution No. 1727 awarding a professional services agreement with Carollo Engineers, Inc. for design and environmental services for the Adams Street Water Main Replacement Project in an amount not to exceed \$600,473, CIP Project No. 5035-3. (Staff contact: Dave Padilla and Markus Mohrle, Public Works Department)
4. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARLSBAD AND CARLSBAD UNIFIED SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2023-24 SCHOOL YEAR – Adoption of Resolution No. 2024-020 approving a memorandum of understanding between the City of Carlsbad and the Carlsbad Unified School District for the School Resource Officer Program for the 2023-24 school year. (Staff contact: Jeffery Smith and Amanda Baker, Police Department)
5. FISCAL YEAR 2022-23 HOUSING TRUST FUND ANNUAL REPORT – Adoption of Resolution No. 2024-021 approving the Fiscal Year 2022-23 Housing Trust Fund Annual Report. (Staff contact: Mandy Mills, Community Services Department)
6. AUTHORIZATION TO NEGOTIATE WITH NORTH COUNTY TRANSIT DISTRICT FOR MANAGED PARKING OPTIONS WITHIN THE CARLSBAD VILLAGE AREA, INCLUDING THE CARLSBAD VILLAGE STATION – Adoption of Resolution No. 2024-022 authorizing the Community Development Director and Real Estate Manager to negotiate with the agent for the North County Transit District on an agreement for managed parking within the Carlsbad Village area, including the Carlsbad Village Station. (Staff contact: Jeff Murphy, Community Services Department)

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

7. ORDINANCE NOS. CS-465 AND CS-466 – HOUSING ELEMENT REZONING PROGRAM – 1) Adoption of “Ordinance No. CS-465, an Ordinance of the City Council of the City of Carlsbad, California, amending the Zoning Ordinance and Zoning Map, Title 21 of the Carlsbad Municipal Code, to implement portions of objectives b, c and d of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment, and objective b of Housing Element Program 1.3 (Alternative Housing) for Map 1 (All sites except sites 8 and 15, which are removed)”); and
2) Adoption of “Ordinance No. CS-466, an Ordinance of the City Council of the City of Carlsbad, California, approving amendments to the Bressi Ranch Master Plan, Fenton

Carlsbad Center Specific Plan, Green Valley Master Plan, North County Plaza Specific Plan, and Westfield Carlsbad Specific Plan to implement portions of objectives b, c, and d of Housing Element Program 1.1 (provide adequate sites to accommodate the Regional Housing Needs Assessment (RHNA)), and objective b of Housing Element Program 1.3 (Alternative Housing).” (Staff contact: Sheila Cobian, City Manager Department)

City Manager’s Recommendation: Adopt Ordinance Nos. CS-465 and CS-466.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Ordinance Nos. CS-465 and CS-466. Motion carried, 4/0/1 (Luna – Absent).

8. ORDINANCE NO. CS-467 – AURA CIRCLE OPEN SPACE DESIGNATION – Adoption of “Ordinance No. CS-467, an Ordinance of the City Council of the City of Carlsbad, California, amending Section 21.05.030 of the Carlsbad Municipal Code by approving amendments to the Zoning Map and the Local Coastal Program Zoning Map to change zoning from One Family Residential, minimum 8,000 square foot lot size (RR-1-8000) and Open Space (OS) to Open Space (OS) for a 14.58 acre property at the terminus of Aura Circle; and an amendment to the Zoning Map to change zoning from One Family Residential (R-1) to Open Space (OS) for a 3.1-acre property located at 1605 Buena Vista Way.” (Staff contact: Sheila Cobian, City Manager Department)

City Manager’s Recommendation: Adopt Ordinance No. CS-467.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Ordinance No. CS-467. Motion carried, 4/0/1 (Luna – Absent).

PUBLIC HEARING: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

9. ACCEPT WORK PLANS FOR FISCAL YEAR 2023-24 FOR THE LIBRARY BOARD OF TRUSTEES AND THE ARTS COMMISSION – 1) Adoption of Resolution No. 2024-023 accepting the fiscal year 2022-23 work plan report of accomplishments and approving the fiscal year 2023-24 work plan for the Library Board of Trustees; and
2) Adoption of Resolution No. 2024-024 accepting the fiscal year 2022-23 work plan report of accomplishments and approving the fiscal year 2023-24 work plan for the Arts Commission. (Staff contact: Suzanne Smithson and Fiona Everett, Community Services Department)

City Manager’s Recommendation: Adopt the resolutions.

Library & Cultural Arts Director Suzanne Smithson presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

Library Board of Trustees Vice Chair Bill Sheffler spoke in support of the Library Board of Trustees work plan.

Arts Commission Chair Barbara Chung spoke in support of the Arts Commission work plan.

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2024-023 and Resolution No. 2024-024. Motion carried, 4/0/1 (Luna – Absent).

10. **POLICE DEPARTMENT UPDATE** – Receive a report on crime statistics, crime trends and the next steps for the Police Department in 2024. (Staff contact: Christie Calderwood and Mickey Williams, Police Department)

City Manager's Recommendation: Receive the report.

Police Chief Mickey Williams and Assistant Police Chief Christie Calderwood presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

City Council received the report.

11. **STRATEGIC PLAN UPDATE** – Receive an update on progress made toward the goals of the Carlsbad Strategic Plan 2023-2027, an update on city finances and an overview of strategic actions planned to occur through Fiscal Year 2024-2025 and provide feedback to staff. (Staff contact: Jason Haber, City Manager Department)

City Manager's Recommendation: Receive the updates and provide feedback to staff.

Intergovernmental Affairs Director Jason Haber, Finance Director Zach Korach and Chief Innovation Officer David Graham presented the report and reviewed a PowerPoint presentation (on file in the Office of the City Clerk).

City Council received the report.

COUNCIL REPORTS AND COMMENTS: Mayor Blackburn and the City Council Members reported on activities and meetings of some committees and subcommittees of which they are members.

ANNOUNCEMENTS: None.

CITY MANAGER COMMENTS: None.

CITY ATTORNEY COMMENTS: None.

CITY CLERK COMMENTS: None.

ADJOURNMENT: Mayor Blackburn adjourned the duly noticed meeting at 6:29 p.m.

Sheila R. Cobian, MMC
Legislative & Constituent Services Director



Minutes

Feb. 15, 2024, 3:30 p.m.

CALL TO ORDER: 3:35 a.m.

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

PLEDGE OF ALLEGIANCE: Transportation Director Tom Frank led the Pledge of Allegiance.

PUBLIC COMMENT ON AGENDA ITEM: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

1. **PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE** – Adoption of Resolution No. 2024-032 ratifying the Director of Emergency Services’s proclamation of a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive. (Staff contact: Scott Chadwick, City Manager’s Department)

City Manager’s Recommendation: Adopt the resolution.

Transportation Director Tom Frank presented the report and reviewed a PowerPoint Presentation (on file in the Office of the City Clerk).

Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2024-032. Motion carried, 4/0/1 (Luna – Absent).

ADJOURNMENT:

By proper motion, the Special Meeting of Feb. 15, 2024, was adjourned at 3:41 p.m.

Sheila R. Cobian, MMC
Legislative & Constituent Services Director



CITY COUNCIL Staff Report

Meeting Date Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Nathan Pearson, Division Chief
nathan.pearson@carlsbadca.gov, 442-339-2241

Subject: Data Sharing Agreement with the County of San Diego regarding the Collection, Use and Disclosure of Emergency Medical Services Care Records and Patient Data

Districts: All

Recommended Action

Adopt a resolution authorizing the City Manager to approve an agreement with the County of San Diego, as the local emergency medical services agency, to define and control the use of pre-hospital data provided by the Carlsbad Fire Department's Emergency Medical Services system.

Executive Summary

In delivering emergency medical services, the Carlsbad Fire Department generates and analyzes data to monitor and improve the local emergency medical services system. This data includes patient care and emergency response information up to the point a patient is delivered to a hospital.

State law requires the Carlsbad Fire Department to submit electronic health records to the designated local emergency medical services agency, which, in our region, is the County of San Diego, through its Office of Emergency Medical Services. The data must be provided in a format that is compliant with both the state and national EMS information systems. The county's Emergency Medical Services policies also require the Fire Department to provide the county with certain data and protected health information.

Participation in this system contributes to improved patient care and better outcomes for all EMS patients countywide. However, with the transmission of data, the city is responsible for protecting the data and ensuring that it is used as intended and provided in accordance with applicable laws and regulations. Most notably, the personal privacy protections contained in the Health Insurance Portability and Accountability Act (HIPAA) require the Carlsbad Fire Department to limit the use or disclosure of protected health information to the minimum necessary to accomplish the intended purpose.

Staff are requesting the City Council's approval of a data sharing agreement with the County of San Diego that will ensure that the city's provision of data to the county complies with state and federal laws. The agreement also requires the county to limit its use of the data to the purposes expressly authorized by law.

Explanation & Analysis

The Carlsbad Fire Department provides emergency medical services to the community and surrounding areas as part of the broader Emergency Medical Services system.

The County of San Diego, as the designated local emergency medical services agency, has responsibility for the collection, aggregation and analysis of regional emergency medical system data and transmission to the state. All local emergency medical system agencies, including the Carlsbad Fire Department, are required to collect and report on certain data provided by EMS providers, hospitals and specialty care centers, both from before and after a patient arrives at a hospital.

The Carlsbad Fire Department contracts with an outside party to provide a federally compliant system for the creation and storage of electronic patient care records. Previously, there were technical incompatibilities that prevented agencies like ours that chose to retain local control of this data from transmitting the information to the county. Recent technical work has improved these systems, allowing the city to now transmit electronic patient care records data to the county and state agencies while maintaining control over it.

The Carlsbad Fire Department drafted the proposed data sharing agreement to ensure that the transmission, use and disclosure of all data transmitted to the county is compliant with state and federal law. This includes HIPAA, which requires the use or disclosure of protected health information to be limited to the minimum necessary to accomplish the intended purpose. This agreement also fulfills the requirements of a business associate agreement, which is required by HIPAA to ensure the confidentiality and privacy of protected health information.

The proposed data sharing agreement addresses the following areas:

- Data use
 - Limits usage of city data to purposes expressly authorized by state statute or regulation
 - Requires written city authorization for all other uses or dissemination
- Ownership and security
 - Retains city ownership of data
 - Ensures protection and encryption of data after transmission
- Confidentiality
 - Establishes confidentiality of data and prohibits release to third parties, except as required by law
 - Requires city to be notified of requests for city data, including subpoenas and patient records requests
 - Maintains compliance with federal privacy laws for health-related information

Fiscal Analysis

There is no fiscal impact associated with entering into this agreement.

Next Steps

With the City Council's approval, the City Manager will sign the agreement with the County of San Diego. Fire Department staff will then complete technical work to integrate electronic

patient care records systems and begin sharing data with the San Diego County's Office of Emergency Medical Services.

Environmental Evaluation

This action does not require environmental review because it does not constitute a project within the meaning of the California Environmental Quality Act under California Public Resources Code Section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Exhibit

1. City Council resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO APPROVE AN AGREEMENT WITH THE COUNTY OF SAN DIEGO, AS THE LOCAL EMERGENCY MEDICAL SERVICES AGENCY, TO DEFINE AND CONTROL THE USE OF PRE-HOSPITAL DATA PROVIDED BY THE CARLSBAD FIRE DEPARTMENT'S EMERGENCY MEDICAL SERVICES SYSTEM

WHEREAS, Carlsbad Fire Department provides emergency medical services to the community and surrounding areas as part of a broader Emergency Medical Services system; and

WHEREAS, in the state of California, the Emergency Medical Services Authority delegates certain responsibilities for the Emergency Medical Services system to a local emergency medical system agency; and

WHEREAS, the County of San Diego, as the designated local emergency medical services agency, has the responsibility for the collection, aggregation, analysis and transmission of regional Emergency Medical Services system data to the state; and

WHEREAS, the County of San Diego requires all local Emergency Medical Services agencies, including the Carlsbad Fire Department, to collect and report pre-hospital and hospital data provided by EMS providers, hospitals, and specialty care centers; and

WHEREAS, the Carlsbad Fire Department submits protected health records and data to the county as the local emergency medical services agency; and

WHEREAS, the data sharing agreement will help ensure that the transmission, use and disclosure of all data transmitted to San Diego County is compliant with state and federal law, including the Health Insurance Portability and Accountability Act (HIPAA); and

WHEREAS, the agreement requires the county as the local emergency medical services agency to limit its use of the data to the purposes that are expressly authorized by law; and

WHEREAS, the City Council of the City of Carlsbad, California desires to authorize the City Manager to take all necessary actions to execute the data sharing agreement and all future updates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City Manager of the City of Carlsbad, California, or designee, is authorized to execute the data sharing agreement with the County of San Diego for the collection, use

and disclosure of Emergency Medical Services care records and patient data.
(Attachment A).

3. That the City Manager, or designee, is authorized to execute future amendments to the data sharing agreement, which are approved as to form by the City Attorney's Office, and other necessary program documents to continue sharing patient care and emergency response information with the County of San Diego, as required by state and federal law.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

**EMS DATA SHARING AGREEMENT
BETWEEN CITY OF CARLSBAD
AND
COUNTY OF SAN DIEGO**

This Agreement ("Agreement") is made and entered into as of this ____ day of _____, 2024 by and between the City of Carlsbad, ("CITY") and the County of San Diego, Local Emergency Medical Services Agency ("LEMSA") (collectively, the "Parties"), regarding the collection, use, and disclosure of prehospital emergency medical services ("EMS") care records and patient care data.

RECITALS

WHEREAS, LEMSAs is the designated local EMS agency for the County of San Diego ("County") under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act ("EMS Act"), Health and Safety Code § 1797 *et seq.*; and

WHEREAS, LEMSAs is charged by the EMS Act and California Code of Regulations, Title 22, Division 9, to oversee County's EMS system by, among other things, establishing policies for the collection, utilization, storage and secure transmission of patient care records; and

WHEREAS, CITY provides EMS at the Advanced Life Support ("ALS"), i.e., paramedic, level of service;

WHEREAS, CITY contracts with a third-party electronic Prehospital Care Records ("ePCR") system, which is certified compliant with the current approved version of the National EMS Information System ("NEMSIS"), the California EMS Information System ("CEMSIS") and includes those data elements that are required by the San Diego County Local EMS Information System ("LEMSIS"), to be compliant with Health and Safety Code § 1797.227; and

WHEREAS, LEMSAs represents that California Emergency Medical Services Authority ("EMSA") requires all local EMS agencies to collect and report prehospital and hospital data provided by EMS providers, hospitals, and specialty care centers; and

WHEREAS, California Code of Regulations, Title 22, § 100171 requires CITY submit e-PCRs to LEMSAs according to LEMSAs's policies and procedures, and requires LEMSAs to submit the e-PCR data to EMSAs; and

WHEREAS, Health and Safety Code § 1797.122(b) provides, and the Parties agree, that CITY, LEMSAs, and EMSAs shall request only protected health information data elements that are minimally necessary in compliance with the Health Insurance Portability and Accountability Act of 1996, ("HIPAA"), and the HIPAA Privacy Rule in section 164.502(b) and section 164.514(d) of Title 45 of the Code of Federal Regulations; and

WHEREAS, Health and Safety Code § 1797.122(c) provides that EMSAs "may develop minimum standards for the implementation of data collection for system operation, patient outcome, and performance quality improvement"; and

WHEREAS, on February 22, 2023, EMSA notified LEMSA, CITY, and all other California EMS stakeholders that it would be establishing the minimum standards for EMS system data collection in future amendments to California Code of Regulations, Title 22, Division 9, Chapter 12; and

WHEREAS, CITY and LEMSA desire to share agreed upon CITY EMS patient care data with LEMSA in order to improve system effectiveness and quality of care, while complying with all applicable federal and state laws and regulations.

NOW, THEREFORE, in consideration of the mutual covenants, performances and agreements hereafter set forth, it is mutually understood and agreed between the CITY and LEMSA as follows:

1. AUTHORIZED DATA USE

- 1.1. CITY agrees to transmit the required and agreed upon data elements as described in the County of San Diego's EMS Data Dictionary, which is attached and incorporated herein as Exhibit A, solely for the purposes expressly authorized under Health and Safety Code § 1797 *et seq.* and the regulations contained in Division 9 of Title 22 of the California Code of Regulations which implement these Health and Safety Code sections. All other uses are prohibited unless authorized by CITY in writing.
 - 1.1.1. This prohibition includes using any CITY Data accessed pursuant to this Agreement for:
 - a) Investigation, discipline, denial, probation, suspension or revocation of the certification of an EMT, Advanced EMT or Paramedic employed by CITY.
 - b) Disclosure of agency-specific data, including the display or dissemination of information or statistics specific to CITY or CITY's patients, without prior written approval of the CITY.
 - 1.1.2. LEMSA represents and warrants that all patient-identifiable medical information CITY is required to collect and transmit to LEMSA is limited to the minimum necessary to accomplish LEMSA health oversight activities in compliance with 45 C.F.R. §§ 164.512(d) and 164.514(d)(3)(i), (iii).
 - 1.1.3. Nothing in this Agreement shall be interpreted as waiving or relinquishing CITY's right to control the development and implementation of disciplinary policies applicable to CITY's employees, including EMTs and/or contractors. CITY shall retain the right of first refusal to conduct investigations of an allegation of misconduct against a CITY employee, in accordance with State law.
 - 1.1.4. The Parties acknowledge and agree that the County of San Diego's EMS Data Dictionary may be revised from time to time as needed to accommodate, by way of example and without limitation, changes in technology, treatment protocols, and state regulatory requirements. The Parties further acknowledge and agree that Exhibit A hereto shall be deemed to include any subsequent revisions to the County of San Diego's EMS Data Dictionary, without formal amendment of this

Agreement, upon satisfaction of the following conditions precedent: (1) the revisions to the County of San Diego's EMS Data Dictionary are duly approved by the EMS Data Dictionary Technical Advisory Working Group (Working Group), defined in 1.1.4.1. and 1.1.4.2, which is established for the purpose of evaluating and advising on prehospital EMS data sharing issues; and (2) LEMSA transmits to CITY the revised County of San Diego's EMS Data Dictionary within 30 days, in a form suitable for attachment to this Agreement as Exhibit A.

1.1.4.1. Working Group shall consist of the following members:

1. Representative selected by the County EMS Office
2. Representative selected by a majority of the North Zone Fire Chiefs
3. Representative selected by a majority of the Central Zone Fire Chiefs
4. Representative selected by a majority of the Metro Zone Fire Chiefs
5. Representative selected by the San Diego County Ambulance Association

Additional non-voting technical advisors, including platform vendors, clinical program representatives, and other affiliated experts, and other Fire and EMS agency representatives that utilize a EPCR platform may be invited to provide information to the Working Group.

1.1.4.2. County shall establish the Working Group within 90 days of execution of this Agreement. The Working Group shall have the responsibility of reviewing and approving proposed changes to the County of San Diego's EMS Data Dictionary. Each member shall have an equal vote and a majority vote shall be required to approve revisions to the County of San Diego's EMS Data Dictionary; however, the affirmative vote of the Representative selected by the County EMS Office is required to approve any changes to the County of San Diego's EMS Data Dictionary.

2. OWNERSHIP AND SECURITY

- 2.1. All collection, uses, transmission, and disclosures of CITY Data shall comply with HIPAA minimum necessary requirements of 45 C.F.R. §§ 164.502(b) and 164.514(d) and the Confidentiality of Medical Information Act ("CMIA"), Civil Code § 56 *et seq.*
- 2.2. CITY Data shared with LEMSA shall remain the property of CITY.
- 2.3. LEMSA agrees to fully secure the CITY Data in a secure environment, to use appropriate safeguards, and comply with Subpart C of 45 C.F.R. Part 164 *et seq.* with respect to electronic protected health information, to prevent use or disclosure of protected health information other than as provided for by this Agreement. CITY Data shall be deleted once no longer necessary for LEMSA to continue its proper management and administration or EMSA's use in accordance with this Agreement. Data not otherwise deleted shall be

deleted and/or transferred to CITY upon termination of this Agreement or if requested by CITY.

3. CONFIDENTIALITY AND REPORTING OBLIGATIONS

- 3.1. LEMSA will not release or disclose CITY Data for purposes other than those authorized by Sections 1 and 3 of this Agreement.
- 3.2. CITY Data, including e-PCRs obtained pursuant to this Agreement, are confidential information and may not be disclosed to third parties unless compelled by a court order or state law. LEMSA shall comply with Section 1 of this Agreement and all applicable state and federal laws pertaining to the access, use and disclosure of CITY Data, including HIPAA and corresponding regulations, and the CMIA, Civil Code § 56 et seq.
- 3.3. LEMSA agrees to report to CITY any use or disclosure of protected health information not provided for by the Agreement of which it becomes aware, including but not limited to breaches of unsecured protected health information as required at 45 CFR 164.410, and any security incident of which it becomes aware. In accordance with 45 CFR 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, LEMSA agrees to ensure that any subcontractors that create, receive, maintain, or transmit protected health information on behalf of LEMSA agree to the same restrictions, conditions, and requirements that apply to LEMSA with respect to such information.
- 3.4. If LEMSA receives a subpoena, patient records request, public records request, or law enforcement request for CITY's Data, LEMSA shall notify the CITY of the subpoena/request/order within 5 days and refer the requesting party to the CITY. LEMSA will not release any CITY Data without first providing CITY reasonable time to demonstrate the requested information is exempt/protected from disclosure. If LEMSA thereafter concludes - in its sole discretion - that some or all the requested information must be disclosed by law, LEMSA shall notify CITY and, to the extent permitted by law, give the CITY a reasonable opportunity to seek a court order protecting the requested information. Unless a court order is secured in a timely fashion, LEMSA may disclose the requested records that it determines - in its sole discretion - must be released by law.
- 3.5. CITY shall be responsible for the release of any billing records related to patient care and/or transport. CITY shall be responsible for the release of any records responsive to a subpoena or other records request associated with patient billing. Fees associated with the production of these records shall be assessed and collected by the CITY.
- 3.6. LEMSA shall make its internal practices, books, and records available to the Secretary of Health and Human Services for purposes of determining compliance with the HIPAA Rules.

4. COST OF ACCESS

CITY and LEMSA shall each bear their own costs related to the transmission or collection of CITY Data.

5. INDEMNIFICATION

LEMSA agrees to indemnify and hold harmless the CITY and its officers, officials, employees and volunteers from and against all claims, damages, losses and expenses, including attorney's fees, arising out of LEMSA's access, use or disclosure of CITY Data under this Agreement and caused by any negligence, recklessness, or willful misconduct of LEMSA, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. CITY agrees to indemnify and hold harmless the LEMSA and its officers, officials, employees and volunteers from and against all claims, damages, losses and expenses, including attorney's fees, arising out of the CITY's obligations under this Agreement and caused by any negligence, recklessness, or willful misconduct of CITY, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

6. DURATION

This Agreement shall be effective as of _____, 2024 for a period of twelve (12) months, and shall renew automatically annually on the anniversary date for up to a period of five (5) years, upon the same terms and conditions as set forth herein, unless either party notifies the other in writing of its intention not to renew this Agreement at least thirty (30) days prior to the end of the existing term.

7. TERMINATION

7.1. This Agreement may be terminated for convenience by any party provided that termination shall not be effective until thirty (30) days after a party has served written notice upon another party. The parties expressly agree this Agreement may be terminated immediately if necessary to avoid a violation of any state or federal law.

7.2. Upon termination of this Agreement for any reason, LEMSA, with respect to protected health information received from CITY, or created, maintained, or received by LEMSA on behalf of CITY, shall:

- a) Retain only that protected health information which is necessary for LEMSA to continue its proper management and administration or to carry out its legal responsibilities;
- b) Return to CITY or, if agreed to by CITY, destroy the remaining protected health information that LEMSA still maintains in any form;

- c) Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 with respect to electronic protected health information to prevent use or disclosure of the protected health information, other than as provided for in this Section, for as long as LEMSA retains the protected health information;
- d) Not use or disclose the protected health information retained by LEMSA other than for the purposes for which such protected health information was retained and subject to the same conditions set out in this Agreement which applied prior to termination; and
- e) Return to CITY or, if agreed to by CITY, destroy the protected health information retained by LEMSA when it is no longer needed by LEMSA for its proper management and administration or to carry out its legal responsibilities.

The obligations of LEMSA under this Section shall survive the termination of this Agreement.

8. AMENDMENTS

This Agreement may only be amended or modified by a written agreement signed by all parties.

9. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon any party except to the extent incorporated herein.

10. SEVERABILITY

In the event any provision of this Agreement is found to be invalid, illegal, or unenforceable, the remaining provisions shall be binding upon the parties and shall be enforceable as though the invalid, illegal, or unenforceable provisions were not contained herein.

11. COUNTERPARTS

This Agreement may be executed in any number of separate counterparts and by each of the Parties in separate counterparts, each counterpart constituting an original, and all such counterparts constituting but one and the same agreement.

12. GOVERNING LAW

This Agreement shall be governed by and construed according to the laws of California.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date written above.

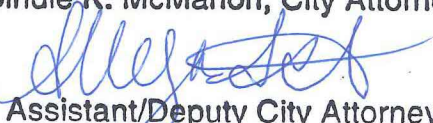
City of Carlsbad, Fire Department:

County of San Diego:

By _____
City of Carlsbad

By 
Jeff Collins
Agency Director
Public Safety Group

APPROVED AS TO FORM
Cindie K. McMahon, City Attorney

By: 
Assistant/Deputy City Attorney
City of Carlsbad, California

[San Diego County LEMSIS v3.5 Data Dictionary](#)
(on file in the Office of the City Clerk)



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Bradley Northup, Public Works Superintendent
bradley.northup@carlsbadca.gov, 442-339-5193

Subject: Amendment No. 5 to an Agreement with Emergency Vehicle Systems LLC
for the Outfitting of Police Patrol Vehicles

Districts: All

Recommended Action

Adopt a resolution authorizing Amendment No. 5 to an agreement with Emergency Vehicle Systems LLC for police patrol vehicle outfitting, extending the term of the agreement by six months.

Executive Summary

The city routinely acquires police vehicles through cooperative purchase agreements or other competitively bid contracts or agreements. Acquired vehicles are subsequently outfitted with special equipment including lights, radios, partitions and computer communications systems.

The city recently acquired 40 police vehicles that need to be outfitted before they can be put into service. The city's current contract with Emergency Vehicle Systems LLC will terminate in March 2024.

Due to delays in both vehicle and equipment deliveries, staff have determined the agreement with Emergency Vehicle Systems needs to be extended for a period not to exceed six months, so there is sufficient time for the vehicles to be outfitted.

Discussion

- The city issued a request for proposals for the outfitting of police patrol vehicles on Jan. 6, 2021.
- The city received seven proposals from police vehicle outfitting providers.
- The City Council authorized an agreement with Emergency Vehicle Systems for police patrol vehicle outfitting services for an amount not to exceed \$378,724 by adopting Resolution No. 2021-060 on March 16, 2021.
- That resolution delegated authority to the City Manager to execute two possible one-year extensions of the agreement, which have both been exercised, now the agreement will end on March 15, 2024.

In August 2023, the first of 40 Ford Police Interceptor Utility vehicles that the city ordered in October 2022 were delivered. Staff then authorized Emergency Vehicle Systems to begin acquiring the equipment necessary to outfit the vehicles for service.

Emergency Vehicle Systems experienced delays in obtaining the necessary outfitting equipment, so staff now recommend extending the agreement to provide sufficient time for the company to complete outfitting of the 40 vehicles. Emergency Vehicle Systems is typically capable of outfitting between two and four standard-equipped police patrol vehicles in one work week. With the delivery of the necessary outfitting components, Emergency Vehicle Systems began outfitting the first eight vehicles in January 2024. It is expected that outfitting of all 40 vehicles would be completed no later than July 2024.

The proposed Amendment No. 5 will extend the term of the agreement by six months, or until Sept. 15, 2024.

Fiscal Analysis

The approval to extend this agreement does not have any fiscal impact to the city and does not change any other terms, conditions or scope of work in the agreement with Emergency Vehicle Systems.

Next Steps

Upon execution of Amendment No. 5, Emergency Vehicle Systems will continue to outfit and deliver the remaining 40 service ready police patrol vehicles before the amended end term of Sept. 15, 2024.

Staff have prepared the necessary documents to publish a new request for proposals for emergency vehicle outfitting services and will solicit for additional services in spring 2024, intending to return to the City Council in summer 2024 with a recommendation to award a new contract for the future outfitting of emergency service vehicles

Environmental Evaluation

In accordance with California Public Resources Code Section 21065, this action to extend the term of an agreement by six months does not constitute a project within the meaning of the California Environmental Quality Act in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment, and therefore does not require environmental review.

Exhibit

1. City Council resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING AMENDMENT NO. 5 TO AN AGREEMENT WITH EMERGENCY VEHICLE SYSTEMS LLC FOR POLICE PATROL VEHICLE OUTFITTING, EXTENDING THE TERM OF THE AGREEMENT BY SIX MONTHS

WHEREAS, the City Council of the City of Carlsbad, California has determined that it is in the best interest of the city to extend the term of the agreement with Emergency Vehicle Systems LLC for six months; and

WHEREAS, on March 16, 2021, the City Council adopted Resolution No. 2021-060, authorizing an agreement with Emergency Vehicle Systems LLC for police vehicle outfitting services; and

WHEREAS, in August 2023, the city began taking delivery of 40 Ford Police Interceptor utility vehicles that were ordered in October 2022; and

WHEREAS, upon receipt of the vehicles, the city authorized the outfitting of the vehicles pursuant to the terms and conditions of the agreement with Emergency Vehicle Systems; and

WHEREAS, Emergency Vehicle Systems experienced delays in obtaining some of the equipment necessary to outfit the vehicles for service; and

WHEREAS, all of the equipment needed to outfit the vehicles has been procured and outfitting of the 40 vehicles is now underway; and

WHEREAS, the agreement with Emergency Vehicle Systems will end on March 15, 2024, and additional time is needed to complete outfitting all 40 vehicles; and

WHEREAS, staff recommend that the City Council authorize extending the agreement with Emergency Vehicle Systems for a period of six months until Sept. 15, 2024, to provide sufficient time to complete outfitting the vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.

2. That the City Council authorizes the City Manager to execute Amendment No. 5 to the agreement with Emergency Vehicle Systems LLC extending the term of the agreement for a period of six months, attached hereto as Attachment A.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

**AMENDMENT NO. 5 TO AGREEMENT FOR MULTI-YEAR
POLICE PATROL OUTFITTING
EMERGENCY VEHICLE SYSTEMS, LLC**

This Amendment No. 5 is entered into and effective as of the _____ day of _____, 2024, amending the agreement dated March 16, 2021 (the "Agreement"), by and between the City of Carlsbad, a municipal corporation ("City"), and Emergency Vehicle Systems, LLC., a California limited liability company ("Contractor") (collectively, the "Parties") for the fabrication and outfitting of City of Carlsbad police vehicles.

RECITALS

A. On March 14, 2022, the Parties executed Amendment No. 1 to the Agreement to extend the Agreement for a period of one (1) year and amend the compensation, increasing the allowable compensation by 2% in accordance with the initial contract's compensation clause; and

B. On September 6, 2022, the Parties executed Amendment No. 2 to the Agreement to alter the Agreement's scope of work to allow for the outfitting of up to an additional thirty-four (34) police patrol vehicles during the current, and subsequent final Agreement year, should the Agreement be extended; and

C. On March 13, 2023, the Parties executed Amendment No. 3 to the Agreement to extend the Agreement for a period of one (1) year; and

D. On July 25, 2023, the Parties executed Amendment No. 4 to the Agreement to alter the Agreement's scope of work to utilize an alternate manufacturer of lighting and siren systems and include an optional prisoner detainee cage system; and

E. The Parties desire to extend the Agreement for a period of six (6) months.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, City and Contractor agree as follows:

1. The Agreement, as may have been amended from time to time, is hereby extended for a period of six (6) months ending on September 15, 2024, for a time-only extension.

2. All other provisions of the Agreement, as may have been amended from time to time, shall remain in full force and effect.

3. All requisite insurance policies to be maintained by the Contractor pursuant to the Agreement, as may have been amended from time to time, shall include coverage for this Amendment.

4. The individuals executing this Amendment and the instruments referenced on behalf of Contractor each represent and warrant that they have the legal power, right and actual authority to bind Contractor to the terms and conditions hereof of this Amendment.

PSA21-1414FLT

CONTRACTOR
EMERGENCY VEHICLE SYSTEMS,
LLC, a California limited liability company

CITY OF CARLSBAD, a municipal
corporation of the State of California

By:

Danielle Sickels
(signature)

By:

Keith Blackburn, Mayor

Danielle Sickels, Member
(print name/title)

ATTEST:

By:

Evan Sickels
(signature)

for Sherry Freisinger, City Clerk

Evan Sickels, Member
(print name/title)

If required by City, proper notarial acknowledgment of execution by Contractor must be attached.
If a corporation, Agreement must be signed by one corporate officer from each of the following two groups:

Group A
Chairman,
President, or
Vice-President

Group B
Secretary,
Assistant Secretary,
CFO or Assistant Treasurer

Otherwise, the corporation must attach a resolution certified by the secretary or assistant secretary under corporate seal empowering the officer(s) signing to bind the corporation.

APPROVED AS TO FORM:

CINDIE K. McMAHON, City Attorney

BY: Gina Herrera
Assistant City Attorney



CITY COUNCIL

Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Shawn Gaskari, Management Analyst
shawn.gaskari@carlsbadca.gov, 442-339-2925

Subject: Low Carbon Fuel Standard Credits for Electric Vehicle Charging Stations

Districts: All

Recommended Action

Adopt a resolution authorizing the City Manager or designee to track, manage, bank and sell low carbon fuel standard credits in accordance with the regulations set by the California Air Resources Board.

Executive Summary

The city operates 30 ChargePoint electric vehicle charging ports available to the public at various locations around Carlsbad. Under state law, the use of the city's zero-emissions vehicle infrastructure generates credits known as low carbon fuel standard credits. These credits are intended to encourage the use of cleaner, low-carbon, transportation fuels in California, reduce greenhouse gas emissions and decrease petroleum dependence in transportation.

Under California Air Resources Board regulations, the credits generated by these EV charging stations can be traded or sold through exchanges.

The credits generated by the use of these EV charging stations are currently being banked and sold by the city's EV charger installation vendors: ShellRecharge and ChargePoint. ShellRecharge maintains the rights to manage these credits under its contract with the city, but ChargePoint does not.

Staff recommend that the city internalize this process for the ChargePoint charging stations. This requires the City Council to authorize the City Manager or designee to track, manage, bank and sell these credits. The city can then use the proceeds from selling these credits to fund other sustainable transportation projects, as required by the California Air Resources Board's regulations.

Explanation & Analysis

Low carbon fuel standard credits for EV charging stations provide an incentive for installing and using EV charging infrastructure. The program sets targets to continually diminish the intensity of carbon in transportation fuels sold in California. EV charging stations generate low carbon fuel standard credits because the electricity used to charge EVs has a lower carbon intensity than gasoline or diesel fuels. The ultimate goal of this program is to move away from higher carbon intensity fuel sources such as gasoline to lower carbon intensity sources such as batteries.

These credits may be used to help the city achieve its Climate Action Plan goals and overall sustainability goals. Some examples of how California cities are using low carbon fuel standard credits to promote sustainability include:

- The city of San Diego uses revenue from low carbon fuel standard credit sales to fund its Climate Action Plan initiatives to reduce greenhouse gas emissions and promote sustainability
- The city of Oakland uses its credits to offset the carbon intensity of its municipal fleet, including buses and garbage trucks
- The city of Sacramento uses the credit sales to fund its EV Infrastructure Program
- The city of Fresno uses credit sales to fund its Clean Air Program, which includes a variety of initiatives to improve air quality and reduce greenhouse gas emissions

Currently, only the 30 ChargePoint charging stations are eligible for this process. These stations are located at the city-owned parking lot on State Street and at the Aviara, Alga Norte, Aviara, Poinsettia and Stagecoach and community parks, Pine Park and Fire Station 2, as shown in Exhibit 2. The six stations recently installed at the Police & Fire Headquarters and the Fleet Maintenance Facility, and all future city-owned and operated stations will also be eligible for credits.

ShellRecharge, the operator of a total of the 20 stations at the Faraday Administration Center and the City Library on Dove Lane – each with 10 stations – retains the rights to any credits generated by those units, consistent with the terms of their original agreement and continues through the life of the chargers.

The low carbon fuel standard credits are based on carbon dioxide reductions, with one credit for each avoided metric ton of carbon dioxide. However, the actual amount of low carbon fuel standard credits produced by an EV charging station, can vary significantly depending on various factors. For example, an EV charging station located in a region with a high carbon intensity electricity grid would produce fewer credits than a charging station located in a region with a low carbon intensity electricity grid.

Additionally, the credit generation rate for EV charging stations in California is subject to change over time due to market fluctuations and other factors as demonstrated by credit prices for Level 2 EV charging stations, like the ones Chargepoint provides, which have ranged between \$70 to \$200 over the past eight years. Other variables that can affect how many low carbon fuel standard credits are earned include adding more EV charging stations and increasing the overall usage of those stations.

Funds collected from selling these credits can be applied to other sustainable transportation initiatives, including, but not limited to:

1. Incentive support for buying or leasing EVs or other electric transportation equipment such as electric forklifts, electric cargo-handling equipment, electric transportation refrigeration units, electric buses and electric trucks
2. Incentives or direct investment for installing EV charging infrastructure
3. Rebates or other incentives for using electricity as a transportation fuel, such as discounted or no-cost electricity for transportation applications, or discounted or no-cost rides on electric public transit

4. Marketing, education and outreach programs to provide information and materials to inform the public on the benefits of electric transportation, which could include information regarding the environmental, health and economic benefits of electric transportation, including a comparison of the total cost of the electric transportation mode – refueling, servicing and maintenance, etc. – versus other alternatives

If the city does not take part in managing, banking and selling low carbon fuel standard credits, the current vendor, ChargePoint, will continue to retain and use the available credits.

Staff recommend that the City Council authorize the City Manager or designee to track, manage, bank and sell the city's low carbon fuel standard credits for the ChargePoint chargers.

Fiscal Analysis

The city's 24 ChargePoint charging stations – which does not include the six recently installed at the Police & Fire Headquarters and the Fleet Maintenance Facility – have kept approximately 230 tons of greenhouse gas emissions from entering the atmosphere since 2016. Based on annual average low carbon fuel standard credit exchange rates that range between \$70 and \$200, in the past eight years, the city could have accrued approximately \$27,612 in credits had this program been in place.

Next Steps

Upon City Council approval, the city manager and staff will begin to track, manage, bank and sell the low carbon fuel standard credits generated from the use of ChargePoint's EV charging stations.

Environmental Evaluation

The City Planner has determined that the project is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption); because it can be seen with certainty that the project will have no significant negative impact on the environment. Furthermore, the City Planner, through the process outlined in Carlsbad Municipal Code Section 19.04.060, posted a notice with this determination on Feb. 15, 2024. No appeals of this determination were received in accordance with CMC Section 21.54.140. Therefore, the City Planner's determination is final.

Exhibits

1. City Council resolution
2. Location map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TRACK, MANAGE, BANK AND SELL LOW CARBON FUEL STANDARD CREDITS IN ACCORDANCE WITH THE REGULATIONS SET BY THE CALIFORNIA AIR RESOURCES BOARD

WHEREAS, the City Council of the City of Carlsbad, California has determined that it is in the best interest of the city to track, manage, bank and sell low carbon fuel standard credits generated by city-owned electric vehicle, or EV, charging stations; and

WHEREAS, funds generated through the California Air Resources Board's Low Carbon Fuel Standard Program can be used to fund future sustainability projects; and

WHEREAS, currently, low carbon fuel standard credits are being tracked, managed, banked and sold by the city's EV vendor, ChargePoint; and

WHEREAS, Paragraph 7 in section 95491(d)(3)(A) of the CARB's low carbon fuel standard regulation requires the use of the electricity credit proceeds resulting from a specific category or sector of electric transportation be invested in transportation electrification projects in the same category or sector; and

WHEREAS, the responsibility for tracking, managing, banking and selling low carbon fuel standard credits with the California Air Resources Board would be transferred from ChargePoint to the city.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City Council authorizes and directs the City Manager or designee to track, manage, bank and sell low carbon fuel standard credits in accordance with the regulations established by the California Air Resources Board.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

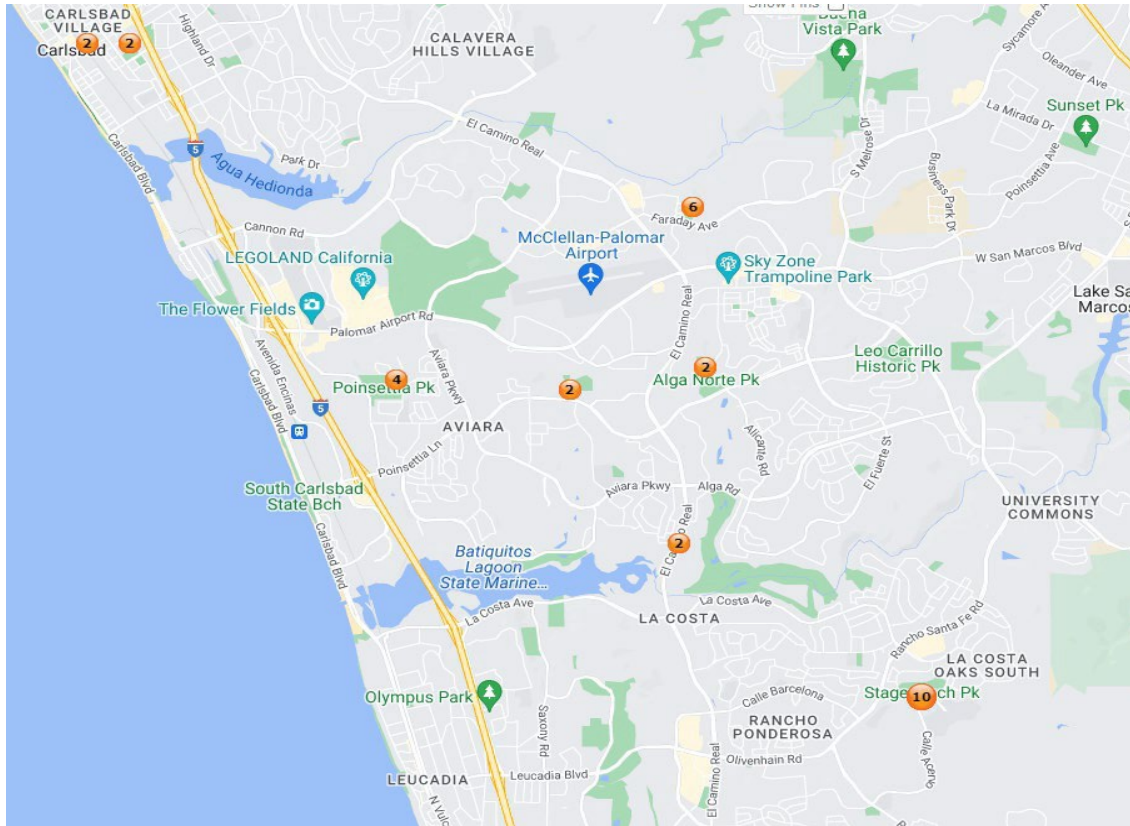
ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

ChargePoint Stations



Station name	Address	No. of ports	Activation date
STATE ST LOT	3045 State St.	2	5/25/2018
STAGECOACH 6	3420 Camino De Los Coches	2	5/23/2018
STAGECOACH 5	3420 Camino De Los Coches	2	5/23/2018
STAGECOACH 4	3420 Camino De Los Coches	2	5/23/2018
STAGECOACH 3	3420 Camino De Los Coches	2	5/23/2018
STAGECOACH 2	3420 Camino De Los Coches	1	5/23/2018
STAGECOACH 1	3420 Camino De Los Coches	1	5/23/2018
POINSETTIA 2	6600 Hidden Valley Road	2	7/19/2022
POINSETTIA 1	6600 Hidden Valley Road	2	7/19/2022
PINE PARK CC	3209 Harding St.	2	6/7/2018
FIRE STATION 2	1906 Arenal Road	2	10/11/2022
AVIARA PARK	6435 Ambrosia Lane	2	9/30/2019
ALGA NORTE PARK	6565 Alicante Road	2	9/3/2015
IMPALA 2 SOUTH	2480 Impala Drive	1	12/14/2023
IMPALA 1 NORTH	2480 Impala Drive	1	12/14/2023
CARLSBAD PFHQ 2	2560 Orion Way	2	1/18/2024
CARLSBAD PFHQ 1	2560 Orion Way	2	1/18/2024
		30	



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Tom Frank, Transportation Director/City Engineer
tom.frank@carlsbadca.gov, 442-339-2766

Subject: Continuation of Proclamation of a Storm-Related Local Emergency for Removal of Sediment and Vegetation on the Buena Vista Creek Concrete Channel Near El Camino Real

District: 1

Recommended Action

Adopt a resolution continuing the proclamation of a storm-related local emergency for removal of sediment and vegetation in the Buena Vista Creek Concrete Channel near El Camino Real.

Executive Summary

The atmospheric river in early February and the prior one in January 2024 increased sediment and vegetation in the Buena Vista Creek, diminishing its capacity and risking significant damage to nearby property and infrastructure. Emergency removal of sediment and vegetation was necessary to ameliorate the risk. Exhibit 3 shows the area of the channel requiring emergency sediment and vegetation removal.

The Acting City Manager, in his role as Acting Director of Emergency Services, proclaimed a local emergency on Feb. 8, 2024, as shown in Exhibit 2, so that the work can continue to be exempted from the city's normal bidding procedures and the removal of sediment and vegetation can be completed as swiftly as possible. The City Council ratified the emergency proclamation on Feb. 13, 2024. Staff are now requesting the City Council continue the emergency proclamation.

Construction projects that cost less than \$200,000 may be awarded by the City Manager using informal bidding procedures under Carlsbad Municipal Code, or CMC, Section 3.28.080 Construction Projects, subsections (B) and (H), which implement California Public Contract Code Section 22032.

This emergency project will likely cost more than \$200,000. California Public Contract Code Sections 22035 and 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120, provide for an exemption from formal bidding procedures for emergency construction procurements. The emergency proclamation allows the city to utilize these exemptions. However, Public Contracting Code Section 22050 requires the City Council to review the

emergency at each regularly scheduled meeting, to determine, by a four-fifths vote of the City Council, the need to continue the emergency action.

Explanation & Analysis

Buena Vista Creek is situated at the northern border of the City of Carlsbad, adjacent to the City of Oceanside. The creek is located within both the City of Carlsbad and the City of Oceanside and outside the Coastal Zone until it reaches Jefferson Street and the Buena Vista Lagoon. The creek comprises natural stream bed sections and some man-made concrete drainage channels designed to convey runoff from a large eastern watershed to the Pacific Ocean.

One segment of Buena Vista Creek near El Camino Real outside the Coastal Zone was previously constructed as a concrete trapezoidal channel, starting at South Vista Way and ending approximately 230 feet east of El Camino Real, a total of approximately 900 feet. This man-made concrete segment of the creek is entirely within the City of Carlsbad.

Over time, sediment and vegetation accumulate in the creek. The city has a Capital Improvement Program project to remove the sediment and vegetation and make other repairs to the channel. The project is currently in the environmental review stage. However, the recent severe storm events have created debris flows that occur during short-duration, high-intensity rainfalls.

More specifically, the atmospheric river in early February, brought an influx of heavy rain that inundated the Buena Vista Creek with material, including vegetation, debris and sediment-dominated slurry from the Buena Vista Creek Watershed, which is about 10 miles long. These rapid debris flows have significantly diminished the capacity of the channel, which is very close to the outfall of the watershed, resulting in a significant risk of the channel overflowing, with the potential to cause significant damage to nearby property and infrastructure during severe storms.

To mitigate the emergency conditions, the City Engineer recommended expedited, or emergency, removal of some of the sediment and vegetation to increase the channel's capacity while the larger maintenance project proceeds through the environmental review and permitting process.

The emergency proclamation enabled the city to procure a contractor to perform the necessary emergency removal work and would be limited to the immediate action(s) to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. The near-term scope of work – the immediate measure – is the minimum necessary to alleviate the immediate emergency.

Staff have started the process to obtain an emergency permit from the U.S. Army Corps of Engineers, for repair and protection activities, which is required before the work can commence. Staff submitted a permit application to the Corps of Engineers on Feb. 15, 2024, and sent a notification to the San Diego Regional Water Quality Control Board the same day.

The Corps of Engineers' District Engineer is now coordinating review of the project with affected agencies, including the California Department of Fish and Wildlife and the Regional Water Quality Control Board.

Staff will meet with a contractor or contractors to obtain bids for the emergency construction, which is estimated to cost approximately \$350,000 to \$550,000.

Fiscal Analysis

No additional appropriations are needed at this time. Funding for the entire project is currently estimated to be approximately \$771,000, which will be funded from the fiscal year 2023-24 capital budget through the Storm Drain System Rehabilitation and Repair Program.

Buena Vista Creek Concrete Channel Emergency Work	
Emergency work (sediment and vegetation removal, estimated)	\$550,000
Design and administrative costs (approximately 5%)	\$28,000
Construction management and inspection (estimated)	\$55,000
Construction contingency (25%)	\$138,000
Total estimated project costs	\$771,000

City staff will request reimbursement if the emergency work qualifies under federal or state emergency relief programs.

Recommendation

Staff recommend that the City Council confirm continuation of the emergency proclamation to complete the emergency work at the Buena Vista Creek concrete channel near El Camino Real as swiftly as possible to prevent damage to nearby infrastructure and property.

Next Steps

Upon continuation of the emergency proclamation, staff will continue to meet with contractors to coordinate the emergency work. Staff will then authorize a contractor to proceed with performing emergency work when the required permits from the U.S. Army Corps of Engineers and other regulatory agencies have been obtained. Staff will then begin preparing the emergency contracts, which will be presented for ratification to the City Council at a future date.

Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether this is a need to continue the emergency action. Staff will return to the City Council again on March 12, 2024, to review the emergency action.

Environmental Evaluation

The project has been determined to be exempt from the California Environmental Quality Act, or CEQA, under Public Resources Code Section 21080(b)(3) and CEQA Guidelines Section 15269(a), which apply to projects undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor.

Exhibits

1. City Council resolution

2. Acting City Manager/Acting Director of Emergency Services's Proclamation of a Storm-related Local Emergency, dated Feb. 8, 2024
3. Location map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA,
CONTINUING THE PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY
FOR REMOVAL OF SEDIMENT AND VEGETATION IN THE BUENA VISTA CREEK
CONCRETE CHANNEL NEAR EL CAMINO REAL

WHEREAS, on Feb. 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by an atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms; and

WHEREAS, the City Council empowers the City Manager, as Director of Emergency Services or, in the City Manager's absence, the Assistant City Manager, as Acting City Manager and Acting Director of Emergency Services, to proclaim the existence of a local emergency when the city is affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions or threatened conditions of extreme peril to the safety of persons and property arose within the City of Carlsbad caused by a powerful, slow moving, atmospheric river in early February that resulted in debris flows, or a "sediment-dominated slurry", which inundated the Buena Vista Creek and significantly diminished capacity in the Buena Vista Creek concrete channel (begins approximately 600 feet west/downstream of the El Camino Real bridge and extends upstream of the bridge approximately 230 feet); and

WHEREAS, on Feb. 8, 2024, the Acting City Manager/Acting Director of Emergency Services proclaimed a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real; and

WHEREAS, on Feb. 13, 2024, the City Council ratified the proclamation of a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real; and

WHEREAS, Carlsbad Municipal Code, or CMC, Section 3.28.110(A) implements Public Contract Code Section 22035 and provides for an exemption from formal bidding procedures for emergency construction procurements; and

WHEREAS, Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether this is a need to continue the emergency action; and

WHEREAS, staff request the City Council continue the proclamation of a local emergency; and

WHEREAS, under California Public Resources Code Section 21080(b)(3) and Title 14, Section 15269 of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which the Governor of the State of California has proclaimed a state of emergency, and on Feb. 4, 2024, the Governor found that conditions of extreme peril exist in San Diego County and proclaimed a state of emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the storm-related Proclamation for a Local Emergency for removal of sediment and vegetation in the Buena Vista Creek concrete channel near El Camino Real is continued.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



Proclamation of Local Emergency

City Hall
1200 Carlsbad Village Drive
Carlsbad, CA 92008

FOR STORM-RELATED EMERGENCY PROTECTION ACTIVITIES TO REDUCE SEDIMENT AND VEGETATION IN THE BUENA VISTA CREEK CHANNEL NEAR EL CAMINO REAL

WHEREAS, on February 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by a powerful, slow-moving atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions and help the state prepare for the impact of the storms.

WHEREAS, California Government Code Section 8630 allows the City Council or an official designated by ordinance adopted by the City Council, to proclaim a local emergency; and

WHEREAS, the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empowers the City Manager, as the City of Carlsbad's Director of Emergency Services, or, in the City Manager's absence, the Assistant City Manager, as Acting City Manager and Acting Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to the safety of persons and property within the City of Carlsbad; and

WHEREAS, in the case of an emergency, California Public Contract Code Section 22050 allows the City Council, or a person delegated the authority by the City Council, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contract; and

WHEREAS, under California Public Resources Code Section 21080(b)(3) and Title 14, Section 15269 of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which the government has proclaimed a state of emergency; and

WHEREAS, the Acting Director of Emergency Services finds:

1. The National Weather Service has issued multiple winter storm warnings, high wind warnings, wind advisories, and flood and flash flood watches throughout the State of California in anticipation of a powerful, slow-moving, atmospheric river.
2. Existing conditions and threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused this powerful, slow-moving atmospheric river, and that the unexpected occurrence poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property and essential public services.

Local Emergency – Reduction of Sediment and Vegetation in the Buena Vista Creek Channel
Page 2

3. Prior to the early February 2024 storms, powerful winter storms that occurred less than a month ago had amplified the impact of local flooding due to the record-breaking amount of rainfall including a severe rainstorm which began on January 22, 2024 ("January Storm"), in all dropping 2 to 3 inches of rain in a three-hour period, a total that exceeds that of an average wet month and rivals the rainfall needed to spur a 100-year flood event.

4. On January 22, 2024, the County of San Diego proclaimed an emergency due to the January Storm, which the county characterized as a thousand-year storm, and which caused drastic flooding and flash flooding in the county.


5. The existing conditions of the current atmospheric river causing local flooding, in addition to the impacts of the January Storm, have created conditions of extreme peril in the Buena Vista Creek Channel, in part, because the inundation of sedimentation and debris flows from the multiple, powerful winter storms, which have diminished the channel's capacity.

6. That the City Council of the City of Carlsbad was not in session and could not be immediately called into session.

NOW, THEREFORE, IT IS PROCLAIMED that, subject to review and ratification by the City Council at its next regular meeting, a local emergency now exists in the City of Carlsbad, California, in the area of the Buena Vista Creek Channel near El Camino Real.

IT IS FURTHER PROCLAIMED AND ORDERED that, under California Public Contract Code Section 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120, city staff may proceed at once to obtain the necessary permits, equipment, services, and supplies to reduce the sediment and vegetation in the Buena Vista Creek Channel without giving notice for bids to let contracts.

Dated: 2/8/24

By: 
GEOFF PATNOE
Acting City Manager/Acting Director of
Emergency Services

LOCATION MAP

Exhibit 3



PROJECT NAME
BUENA VISTA CREEK CHANNEL

EXHIBIT
3



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Tom Frank, Transportation Director/City Engineer
tom.frank@carlsbadca.gov, 442-339-2766

Subject: Continuation of Proclamation of a Storm-Related Local Emergency for Repair of the Slope Between El Camino Real and Trieste Drive

District: 1

Recommended Action

Adopt a resolution continuing the proclamation of a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive.

Executive Summary

The atmospheric river in early February 2024 and the winter storm in January 2024, resulted in unexpected slope movement in an area between El Camino Real and Trieste Drive, with potential to affect nearby property, infrastructure, and the environment. Emergency repair of the slope area behind four homes on Trieste Drive is necessary to ameliorate the risk. Exhibit 3 shows the area requiring emergency slope repair.

The City Manager, in his role as Director of Emergency Services, proclaimed a local emergency on Feb. 14, 2024, as shown in Exhibit 2, to expedite the slope repair. On Feb. 15, 2024, the City Council ratified the emergency proclamation so that the repair can continue to be exempted from the city's normal bidding procedures and the necessary repairs can be completed as swiftly as possible.

Construction projects that cost less than \$200,000 can be awarded by the City Manager using informal bidding procedures under Carlsbad Municipal Code, or CMC, Section 3.28.080 - Construction Projects, subsections (B) and (H), which implement California Public Contract Code Section 22032.

This project will likely cost more than \$500,000. Public Contract Code Sections 22035 and 22050 and CMC Sections 3.28.110(A) and 3.28.120 provide for an exemption from formal bidding procedures for emergency construction procurements. The emergency proclamation allows the city to utilize the exemption. However, Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether there is a need to continue the emergency action.

Explanation & Analysis

The slope area between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215-4245 Trieste Drive), has experienced soil movement. The city has a Capital Improvement Program Project No. 6107 to repair the slope. The project is currently in the 50% design and environmental review stage. However, the recent severe storm events have created additional fissures in the soil that need to be repaired quickly.

To mitigate the emergency, the City Engineer recommended expedited, or emergency, repair of the slope while the larger slope repair project proceeds through the design and environmental review and permitting process. The emergency proclamation allows the city to procure a contractor to perform the necessary emergency repair work to prevent or mitigate loss of, or damage to, property, essential public services, and the environment.

Upon proclamation of the emergency, the consultant met with contractors to check on availability and capabilities to perform the emergency work, which is estimated to cost approximately \$920,000. Staff will then issue a notice to proceed to a contractor to perform the work.

Fiscal Analysis

No additional appropriations are needed at this time. Funding for the estimate of up to \$1,288,000 for the emergency work will come from the funding in the General Capital Construction Fund for CIP Project No. 6107.

Trieste Drive Slope Repair Project Capital Improvement Program Project No. 6107	
Total appropriated funds to date	\$2,362,600
Total expenditures and encumbrances to date	-\$338,974
Total available funding	\$2,023,626
Emergency work (slope repair, estimated)	-\$920,000
Design and administrative costs (5%)	-\$46,000
Construction management and inspection (10%)	-\$92,000
Construction contingency (25%)	-\$230,000
Total estimated project costs	-\$1,288,000
Remaining balance after total estimated project costs	\$735,626
Additional appropriation needed	\$0

City staff will request reimbursement if the emergency work qualifies under federal or state emergency relief programs.

Recommendation

Staff recommend that the City Council confirm the continuation of the emergency proclamation to complete the emergency work at the slope near El Camino Real and Trieste Drive as swiftly as possible to prevent damage to nearby infrastructure and property.

Next Steps

Upon confirmation of a contractor's availability and capabilities for the emergency work, staff will authorize the contractor to proceed with performing the emergency work. Staff will then begin preparing the emergency contract, which will be presented for ratification to the City Council at a future date.

Staff will return to the City Council again on March 12, 2024, to review the emergency action and ask the City Council to determine by a four-fifths vote whether there is a need to continue it.

Environmental Evaluation

The project was determined to be exempt from the California Environmental Quality Act, or CEQA, under Section 15301(d) and (f) of the CEQA Guidelines, which applies to projects for restoration or rehabilitation of deteriorated or damaged structures, and the addition of safety or health protection devices. None of the exceptions to the exemption applied to the project and a Notice of Exemption was filed on January 25, 2023.

Exhibits

1. City Council resolution
2. Proclamation of a Storm-related Local Emergency dated Feb. 14, 2024
3. Location map

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA,
CONTINUING THE PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY
FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE

WHEREAS, on Feb. 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by the atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms; and

WHEREAS, the City Council empowers the City Manager, as Director of Emergency Services, to proclaim the existence of a local emergency when the city is affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions or threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by unexpected slope movement with potential to affect nearby property, infrastructure and the environment; and

WHEREAS, on Feb. 14, 2024, the City Manager/Director of Emergency Services proclaimed a storm-related local emergency for repair of the slope between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive); and

WHEREAS, Carlsbad Municipal Code, or CMC, Section 3.28.110(A) implements Public Contract Code Section 22035 and provides an exemption from formal bidding procedures for emergency construction procurements, and to use the emergency exemption, CMC Section 3.28.120 and Public Contract Code Section 22050 require a proclamation of a local public emergency by a four-fifths vote of the City Council, or by the City Manager subject to ratification by a four-fifths vote of the City Council at the next City Council meeting; and

WHEREAS, on Feb. 15, 2024, the City Council ratified the proclamation of a local emergency as the emergency proclamation and emergency exemption are appropriate in this instance because the emergency work appears to be caused by unexpected slope movement, which could pose a threat to the public, property, infrastructure and the environment; and

WHEREAS, Public Contract Code Section 22050(c)(1) requires the City Council to review the emergency action at every subsequent City Council meeting to determine, by a four-fifths vote, whether this is a need to continue the emergency action; and

WHEREAS, the project was determined to be exempt from the California Environmental Quality Act, or CEQA, under Section 15301(d) and (f) of the CEQA Guidelines, which applies to projects for restoration or rehabilitation of deteriorated or damaged structures, and the addition of safety or health protection devices; and

WHEREAS, none of the exceptions to the CEQA exemption applied to the project and a Notice of Exemption was filed on January 25, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the Proclamation of a Storm-related Local Emergency for repair of the slope near El Camino Real and Trieste Drive is continued.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



Proclamation of Local Emergency

City Hall
1200 Carlsbad Village Drive
Carlsbad, CA 92008

FOR STORM-RELATED EMERGENCY PROTECTION ACTIVITIES TO REPAIR A SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE

WHEREAS, on February 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by a powerful, slow-moving atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions and help the state prepare for the impact of the storms; and

WHEREAS, California Government Code Section 8630 allows the City Council or an official designated by ordinance adopted by the City Council, to proclaim a local emergency; and

WHEREAS, the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empowers the City Manager, as the City of Carlsbad's Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to the safety of persons and property within the City of Carlsbad; and

WHEREAS, in the case of an emergency, California Public Contract Code Section 22050 allows the City Council, or a person delegated the authority by the City Council, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contract; and

WHEREAS, the repair project was determined to be exempt from the California Environmental Quality Act, or CEQA, under Section 15301 (d) and (f) of the CEQA Guidelines, which applies to projects for restoration or rehabilitation of deteriorated or damaged structures and the addition of safety or health protection devices; and

WHEREAS, none of the exceptions to the CEQA exemption applied to the project and a Notice of Exemption was filed on Jan. 25, 2023; and

WHEREAS, the Director of Emergency Services finds:

1. The National Weather Service issued multiple winter storm warnings, high wind warnings, wind advisories, and flood and flash flood watches throughout the State of California in anticipation of a powerful, slow-moving, atmospheric river in early February.
2. Conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by the powerful, slow-moving atmospheric river in early February, requiring immediate action to prevent or mitigate the loss or impairment of life, health, and property.

Local Emergency – REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE

Page 2

3. Prior to the early February 2024 storms, powerful winter storms that occurred less than a month ago had amplified the impact of local flooding due to the record-breaking amount of rainfall including a severe rainstorm which began on January 22, 2024 ("January Storm"), in all dropping 2 to 3 inches of rain in a three-hour period, a total that exceeds that of an average wet month and rivals the rainfall needed to spur a 100-year flood event.

4. On Jan. 22, 2024, the County of San Diego proclaimed an emergency due to the January Storm, which the county characterized as a thousand-year storm, and which caused drastic flooding and flash flooding in the county.

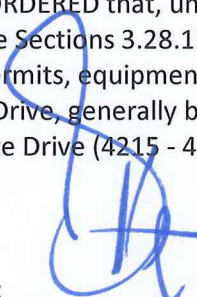
5. The conditions of the early February 2024 storms, in addition to the impacts of the January Storm, created an emergency condition on a slope that is located between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive) causing rapid slope movement and additional fissures in the soil that warrant immediate emergency repair.

6. That the City Council of the City of Carlsbad was not in session and could not be immediately called into session.

NOW, THEREFORE, IT IS PROCLAIMED that, subject to review and ratification by the City Council at its next meeting, a local emergency now exists in the City of Carlsbad, California, on a slope between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive).

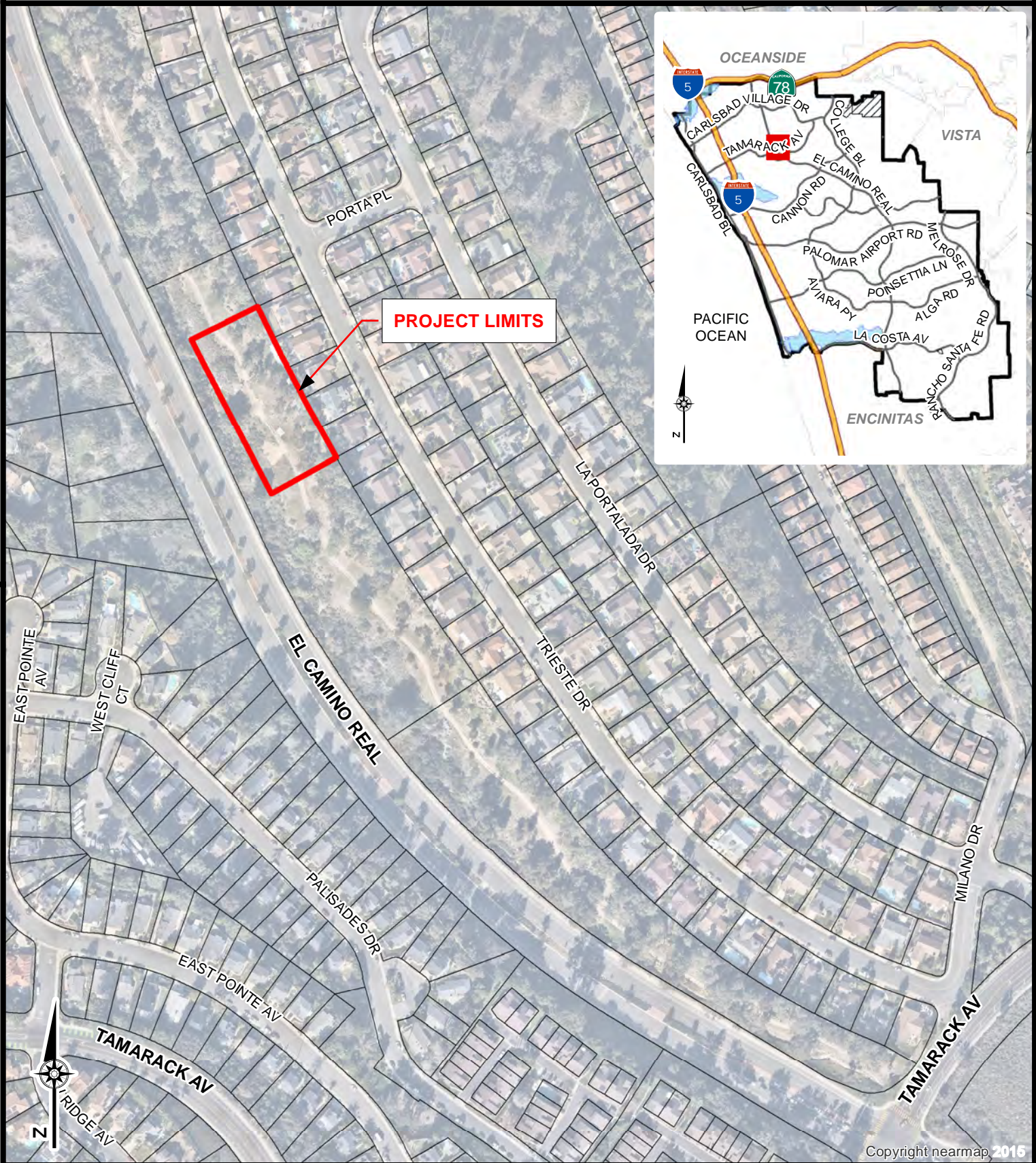
IT IS FURTHER PROCLAIMED AND ORDERED that, under California Public Contract Code Section 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120, city staff may proceed at once to obtain the necessary permits, equipment, services, and supplies to repair the slope between El Camino Real and Trieste Drive, generally behind the backyards of four residential properties that front onto Trieste Drive (4215 - 4245 Trieste Drive), without giving notice for bids to let contracts.

Dated: 14 FEB 24

By: 
SCOTT CHADWICK
City Manager/Director of Emergency Services

LOCATION MAP

Exhibit 3



TRIESTE DRIVE SLOPE REPAIR PROJECT

PROJECT
NUMBER
6107

EXHIBIT
3



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Tom Frank, Transportation Director/City Engineer
tom.frank@carlsbadca.gov, 442-339-2766

Subject: Ending the Feb. 8, 2024, Storm-Related Local Emergency for Repair of a Storm Drain Pipeline on Carlsbad Village Drive Near Pontiac Drive

District: 2

Recommended Action

Adopt a resolution terminating the proclamation of a storm-related local emergency for repair of a storm drain pipeline on Carlsbad Village Drive near Pontiac Drive that was issued on Feb. 8, 2024, and ratified by the City Council on Feb. 13, 2024.

Executive Summary

City staff investigated a report of erosion on Carlsbad Village Drive near Pontiac Drive on Feb. 6, 2024. Staff determined the cause of the erosion was the separation of a 24-inch reinforced concrete storm drain pipeline due to multiple short-duration, high-intensity rainfalls, which caused debris flows and the possible intrusion of tree roots, compromising the pipeline. The damaged pipeline threatened the integrity of the roadway above the pipeline. Exhibit 3 shows the location of the pipeline.

On Feb. 8, 2024, the Acting City Manager, in his role as Acting Director of Emergency Services, proclaimed a local emergency, as shown in Exhibit 2, to expedite the repair of the pipeline. On Feb. 13, 2024, the City Council ratified the emergency proclamation so that the repair project could continue to be exempted from the city's normal bidding procedures and the necessary repairs could be completed as swiftly as possible. Now that the emergency work has been completed, staff recommend that the City Council terminate the emergency proclamation for the storm drain pipeline on Carlsbad Village Drive.

Explanation & Analysis

After staff were notified of the potential erosion on Feb. 6, 2024, they placed sandbags and took other interim protective measures in the area of the storm drain pipeline, to prevent further slope erosion and damage and temporarily closed the roadway to traffic.

A video examination the following day confirmed the existence of a root ball from tree roots and pipeline separation. Immediate repairs were required, which resulted in the Acting Director

of Emergency Services subsequently proclaiming a local emergency on Feb. 8, 2024, that was later ratified on Feb. 13, 2024, by the City Council.

Staff met with contractors for bids on the repair on Feb. 6, 2024, and determined that the cost range of the repair work would be \$25,000 to \$100,000.

Staff issued a notice to proceed to the contractor, Planes, Boats & Automobiles, Ltd., on Feb. 12, 2024. The contractor started on-site work on Feb. 12, 2024, and completed the work on Feb. 13, 2024. Because of staff's prompt response, no contingency was needed, and the work was completed for a total of \$20,000.

Fiscal Analysis

The repair project was funded from the fiscal year 2023-24 capital budget, specifically the Storm Drain System Rehabilitation and Repair Program.

Carlsbad Village Drive Storm Drain Pipeline Repair	
Repair contract – Planes, Boats & Automobiles, Ltd.	\$20,000
Total estimated project costs	\$20,000

If the emergency work qualifies for reimbursement under federal or state emergency relief programs, city staff will request reimbursement.

Next Steps

Staff will continue to inspect the site during and after any future rain events and respond appropriately.

Environmental Evaluation

The project has been determined to be exempt from the California Environmental Quality Act, or CEQA, under CEQA Guidelines Section 15269, which applies to actions necessary to mitigate an emergency and to repair public service facilities necessary to maintain services essential to public health and welfare. Additionally, the project is also exempt under Section 15301(c), which applies to the operation, repair and/or maintenance of existing utilities involving negligible or no expansion of use.

Exhibits

1. City Council resolution
2. Acting City Manager/Acting Director of Emergency Services's Proclamation of a Storm-related Local Emergency dated Feb. 8, 2024
3. Location map

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA,
TERMINATING THE PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR
REPAIR OF A STORM DRAIN PIPELINE ON CARLSBAD VILLAGE DRIVE NEAR PONTIAC
DRIVE

WHEREAS, on Feb. 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by an atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms; and

WHEREAS, the City Council empowers the City Manager, as Director of Emergency Services, or in the absence of the City Manager, the Assistant City Manager, as Acting City Manager and Acting Director of Emergency Services, to proclaim the existence of a local emergency when the city is affected by a public calamity and the City Council is not in session; and

WHEREAS, conditions or threatened conditions of extreme peril to the safety of persons and property occurred within the City of Carlsbad because of a powerful, slow moving, atmospheric river that caused debris flows and unusually large volumes of water to flow through the pipeline during periods of intense rainfall, which, in part, separated a 24-inch reinforced concrete storm drain pipeline on Carlsbad Village Drive near Pontiac Drive, which then caused flooding and erosion, potentially threatening the integrity of the roadway above the pipeline; and

WHEREAS, on Feb. 8, 2024, the Acting City Manager/Acting Director of Emergency Services proclaimed a local emergency for repair of the failed storm drain pipeline; and

WHEREAS, Carlsbad Municipal Code, or CMC, Section 3.28.110(A) implements Public Contract Code Section 22035 and provides for an exemption from formal bidding procedures for emergency construction procurements, and to use the emergency exemption, CMC Section 3.28.120 and Public Contract Code Section 22050, require a proclamation of a local public emergency by a four-fifths vote of the City Council, or by the City Manager or Acting City Manager, subject to ratification by a four-fifths vote of the City Council at the next regular City Council meeting; and

WHEREAS, on Feb. 13, 2024, the City Council ratified the proclamation of a local emergency as the emergency proclamation and related emergency exemption are appropriate in this instance because the Carlsbad Village Drive storm drain pipeline separation appeared to be caused by a failed pipeline located in the city right-of-way, which threatened to undermine a critical roadway and immediate repairs were needed to prevent roadway failure and additional slope erosion; and

WHEREAS, staff issued a notice to proceed to the contractor, Planes, Boats & Automobiles, Ltd., on Feb. 12, 2024; and

WHEREAS, the contractor commenced work on Feb. 12, 2024, and completed the work on Feb. 14, 2024, in the amount of \$20,000; and

WHEREAS, the Deputy City Manager for Public Works issued a minor public works contract on Feb. 13, 2024, in the amount of \$24,000, which included construction contingency and was within the City Manager's authority per Carlsbad Municipal Code Section 3.28.080 - Construction Projects, subsections (B) and (H), which implement California Public Contract Code Section 22032; and

WHEREAS, under California Public Resources Code Section 21080(b)(3) and Title 14, Section 15269 of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which the Governor has proclaimed a state of emergency; and

WHEREAS, under the Title 14, Section 15301(c) of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to the operation, repair and/or maintenance of existing utilities involving negligible or no expansion of use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the Feb. 8, 2024, Proclamation of a Local Emergency for repair of a storm drain pipeline on Carlsbad Village Drive near Pontiac Drive is terminated.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



Proclamation of Local Emergency

City Hall
1200 Carlsbad Village Drive
Carlsbad, CA 92008

FOR STORM-RELATED EMERGENCY PROTECTION ACTIVITIES TO REPAIR A STORM DRAIN PIPELINE ON CARLSBAD VILLAGE DRIVE NEAR PONTIAC DRIVE

WHEREAS, on February 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by a powerful, slow-moving atmospheric river and proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms.

WHEREAS, California Government Code Section 8630 allows the City Council or an official designated by ordinance adopted by the City Council, to proclaim a local emergency; and

WHEREAS, the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empowers the City Manager, as the City of Carlsbad's Director of Emergency Services, or, in the City Manager's absence, the Assistant City Manager, as Acting City Manager and Acting Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to the safety of persons and property within the City of Carlsbad; and

WHEREAS, in the case of an emergency, California Public Contract Code Section 22050 allows the City Council, or a person delegated the authority by the City Council, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contract; and

WHEREAS, under California Public Resources Code Section 21080(b)(3) and Title 14, Section 15269 of the California Code of Regulations, the requirements of the California Environmental Quality Act do not apply to projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which the Government has proclaimed a state of emergency. On a separate and independent basis, the project is also exempt from further environmental review under the California Environmental Quality Act in accordance with the CEQA Guidelines Section 15301(c) ("Existing Facilities"). Section 15301(c) does not apply to the operation, repair and/or maintenance of existing utilities involving negligible or no expansion of use; and

WHEREAS, the Acting Director of Emergency Services finds:

1. The National Weather Service has issued multiple winter storm warnings, high wind warnings, wind advisories, and flood and flash flood watches throughout the State of California in anticipation of a powerful, slow moving atmospheric river.

2. Existing conditions and threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by a powerful, slow-moving atmospheric river, and that the unexpected occurrence poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property and essential public services.

3. Prior to the early February 2024 storms, powerful winter storms that occurred less than a month ago had amplified the impact of local flooding due to the record-breaking amount of rainfall including a severe rainstorm that began on January 22, 2024 ("January Storm"), in all, dropping 2 to 3 inches of rain in a three-hour period, a total that exceeds that of an average wet month and rivals the rainfall needed to spur a 100-year flood event.

4. On January 22, 2024, the County of San Diego proclaimed an emergency due to the January Storm, which the county characterized as a thousand-year storm, and which caused drastic flooding and flash flooding in the county.

5. The existing conditions of the current atmospheric river causing local flooding, in addition to the impacts of the January Storm, have created dangerous conditions on Carlsbad Village Drive, near Pontiac Drive, caused by a failed storm drain pipeline located in the city right-of-way that threatens to undermine a critical roadway. Immediate repairs are needed to prevent roadway failure and additional slope erosion.

6. That the City Council of the City of Carlsbad, California was not in session and could not be immediately called into session.

NOW, THEREFORE, IT IS PROCLAIMED that, subject to review and ratification by the City Council at its next regular meeting, a local emergency now exists in the City of Carlsbad, California, on Carlsbad Village Drive near Pontiac Drive.

IT IS FURTHER PROCLAIMED AND ORDERED that, under California Public Contract Code Section 22050 and Carlsbad Municipal Code Sections 3.28.110(A) and 3.28.120, city staff may proceed at once to obtain the necessary equipment, services, and supplies to repair the storm drain pipeline without giving notice for bids to let contracts.

Dated: 2/8/24

By: 

GEOFF PATNOE

Acting City Manager/Acting Director of
Emergency Services

LOCATION MAP

Exhibit 3



PROJECT NAME

*REPAIR OF A STORM DRAIN PIPELINE ON
CARLSBAD VILLAGE DRIVE NEAR PONTIAC DRIVE*

EXHIBIT

3



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Tammy McMinn, Senior Deputy City Clerk
tammy.mcminn@carlsbadca.gov, 442-339-2953

Subject: Mayoral Appointment of Two Members to the Agricultural Conversion Mitigation Fee Citizens' Advisory Committee

Districts: All

Recommended Action

Adopt resolutions appointing two members to the Agricultural Conversion Mitigation Fee Citizens' (ACMFC) Advisory Committee.

Executive Summary

The City Council is being asked to appoint two members to the ACMFC Advisory Committee, which shall call for, review and make recommendations to the City Council for proposed expenditures from the Agricultural Conversion Mitigation Fee Fund in keeping with the mandates established by Municipal Code Section 21.202.060.

The committee consists of seven members, including a representative from the Planning Commission. Members are appointed by the Mayor and confirmed by the City Council. Members must be residents of Carlsbad and normally serve four-year terms, unless appointed to fill an unexpired term.

Explanation & Analysis

Committee Member Jon Lash was appointed to the ACMFC Advisory Committee in September 2022 to fill the expired term of Committee Member Scott Greenfield for a term ending in August 2026. Committee Member Lash resigned in October 2023. There is currently an unscheduled vacancy on the ACMFC Advisory Committee for a term ending in August 2026.

Committee Member Spencer Burrows was appointed to the ACMFC Advisory Committee in September 2023 to fill the unexpired term of Committee Member Sadry Hedayat for a term ending in August 2025. Committee Member Burrows resigned in January 2024. There is currently an unscheduled vacancy on the ACMFC Advisory Committee for a term ending in August 2025.

The City Clerk's Office received three applications from residents wishing to serve on the ACMFC Advisory Committee. In keeping with City Council Policy No. 88, all three residents

wishing to serve on the ACMFC Advisory Committee will advance in the process and interview with the full City Council:

Exhibit 2 contains the applications of the applicants moving forward in the interview process.

The Maddy Act (California Government Code Sections 54970-54974) requires that on or before December 31 of each year the legislative body shall prepare a Local Appointments List, which contains the appointive terms of Board and Commission members that will expire in the next calendar year. The name of the incumbent appointee, the date of appointment and the term expiration date is also included on the list. Based on the prepared list, the City Clerk's Office accepts applications (available on the city's website and in the City Clerk's Office) for any upcoming vacancies.

The current members of the ACMFC Advisory Committee are:

Commission member	District
Carolyn Alkire	1
Joe Brisbois	4
Jaime Householder	2
Olga Lichten	4
Peter Merz (Planning Commissioner	4

Members of the ACMFC Advisory Committee are subject to the provisions of California's Political Reform Act of 1974 and must file statements of economic interest each year and complete two hours of ethics training every two years.

Fiscal Analysis

This action has no financial impact.

Next Steps

Following the appointment of two members to the ACMFC Advisory Committee, the City Clerk's Office will update the committee roster and coordinate the oaths of office and the filing of the appointees' statement of economic interest and ethics training certificates.

Environmental Evaluation

This action does not require environmental review because it does not constitute a project within the meaning of the California Environmental Quality Act under California Public Resources Code Section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Exhibits

1. City Council resolution appointing one member to the ACMFC Advisory Committee
2. City Council resolution appointing one member to the ACMFC Advisory Committee
3. Applications received from residents advancing to the interview process

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, APPOINTING ONE MEMBER TO THE AGRICULTURAL
CONVERSION MITIGATION FEE CITIZENS' (ACMFC) ADVISORY COMMITTEE

WHEREAS, Committee Member Jon Lash was appointed to the ACMFC Advisory Committee in
September 2022; and

WHEREAS, Committee Member Lash resigned in October 2023; and

WHEREAS, an unscheduled vacancy on the ACMFC Advisory Committee exists with a term
ending in August 2026.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as
follows:

1. That the above recitations are true and correct.
2. That the following Carlsbad resident is appointed to serve on the ACMFC Advisory
Committee, for a term ending in August 2026, or until a replacement is appointed.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of
Carlsbad on the ____ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, APPOINTING ONE MEMBER TO THE AGRICULTURAL
CONVERSION MITIGATION FEE CITIZENS' (ACMFC) ADVISORY COMMITTEE

WHEREAS, Committee Member Spencer Burrows was appointed to the ACMFC Advisory
Committee in September 2023; and

WHEREAS, Committee Member Burrows resigned in September 2023; and

WHEREAS, an unscheduled vacancy on the ACMFC Advisory Committee exists with a term
ending in August 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as
follows:

1. That the above recitations are true and correct.
2. That the following Carlsbad resident is appointed to serve on the ACMFC Advisory
Committee, for a term ending in August 2025, or until a replacement is appointed.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of
Carlsbad on the ____ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)



Boards, Commissions and Committees Application for Appointment

RECEIVED

FEB - 6 2024

CITY OF CARLSBAD
CITY CLERK'S OFFICE

Arts Commission		Housing Commission		Planning Commission	
Beach Preservation Committee		Library Board of Trustees		Senior Commission	
Historic Preservation Commission		Parks & Recreation Commission		Traffic & Mobility Commission	
Tourism Business Improvement District		Golf Lodging Business Improvement District		Agricultural Mitigation Fee Committee	✓
CDBG Advisory Committee		Design Review Committee		Growth Management Plan Update Advisory Committee	
Community-Police Engagement Commission					

Personal Information

If applying for more than one, please indicate order of preference.

Name Kevin O'Neill		Date of Birth: 1/10
Home Address		Required for Voter Registration Verification <u>District No.</u> 1 ✓
City Carlsbad	ZIP 92008	
Home Phone	Mobile	
E-mail		
Occupation retired		
Employer N/A		
Employer Address N/A		
City N/A	ZIP N/A	
Work Phone N/A	Mobile N/A	

Acknowledgements

	Yes	No
I am a resident of the City of Carlsbad.	✓	
I am a registered voter in Carlsbad.	✓	
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.		✓
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.		✓
I am a Citizens Academy graduate.		✓
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	✓	
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	✓	
I am willing to file financial disclosure statements.	✓	
I am willing to complete two hours of state mandated ethics training every two years.	✓	

Please make sure that your text fits in the box provided or attach an additional sheet if needed.

Explanations

N/A

Please describe your educational background

Pilot participant in SUNY Geneseo 3 year degree program

Please describe relevant experience

Director of Finance at Hoehn Motors for 30 years. Responsibilities included; hiring, firing training for finance department. Oversaw tens of millions of dollars in contracts in transit monthly.

Please describe your current or past community involvement

Vounteer at the flower fields and Leo Carrillo Park, volunteer for Art in the Park.
Member of Friends of Leo Carrillo Ranch

Please list all service on boards, commissions or committees, private or public agencies, (including non-profit organizations)

None so far

Additional information or comments

In my 30 years as director of finance I established relationships with many local bank presidents and executive officers

Submittal Information

Please select the submit button below to electronically submit application. If you prefer to print, please select "print form" button, sign and mail to:

City of Carlsbad
City Clerk's Office
1200 Carlsbad Village Drive
Carlsbad, CA 92008.

Signature _____

Date _____

2/6/2024

* Only required to sign if submitting paper form; if submitting electronically your submittal via e-mail is considered acknowledgement.

Clear form

Print form

Submit form



Boards, Commissions and Committees Application for Appointment

RECEIVED

JAN 31 2024

CITY OF CARLSBAD
CITY CLERK'S OFFICE

Arts Commission		Housing Commission		Planning Commission	
Beach Preservation Committee		Library Board of Trustees		Senior Commission	
Historic Preservation Commission		Parks & Recreation Commission	✓	Traffic & Mobility Commission	
Tourism Business Improvement District		Golf Lodging Business Improvement District		Agricultural Mitigation Fee Committee	✓
CDBG Advisory Committee		Design Review Committee		Growth Management Plan Update Advisory Committee	✓
Community-Police Engagement Commission					

Personal Information

If applying for more than one, please indicate order of preference.

Name Dale E Ordas		Date of Birth: <i>Jan</i>
Home Address		Required for Voter Registration Verification District No. 4 ✓
City Carlsbad	ZIP 92011	
Home Phone	Mobile	
E-mail		
Occupation Lawyer/Mediator/Arbitrator (Retired 2023)		
Employer Ordas Dispute Resolution		
Employer Address		
City Carlsbad	ZIP 92008	
Work Phone	Mobile	

Acknowledgements

	Yes	No
I am a resident of the City of Carlsbad.	✓	
I am a registered voter in Carlsbad.	✓	
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.		✓
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.		✓
I am a Citizens Academy graduate.	✓	
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	✓	
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	✓	
I am willing to file financial disclosure statements.	✓	
I am willing to complete two hours of state mandated ethics training every two years.	✓	

Please make sure that your text fits in the box provided or attach an additional sheet if needed.

Explanations

While this application is submitted for the Agricultural Mitigation Fee Committee, should a vacancy arise on the Parks & Recreation Commission, or the Growth Management Plan Update Advisory Committee, please consider this application for an appointment to those

Please describe your educational background

Juris Doctor, Southwestern School of Law (6/19/1966) Following admission to practice law 1/5/1966, in compliance with Minimum Continuing Legal Education (MCLE) requirements completed 25 hours of education and training every three years. This included 300 hours of education/training in mediation and arbitration in dispute resolution at various institutions, e.g., Pepperdine Law School and Loyola Law School.

Please describe relevant experience

Experience in the review, analysis, investigation, preparation of documents, e.g., briefs, opinions and articles, relating to trial, arbitration and mediation of civil disputes arising out of contracts, employment, accidents, products and professional malpractice.

Please describe your current or past community involvement

Have served on the Board of Directors of the San Pacifico Community Association Board of Directors and the Vistamar Home Owners Association in Carlsbad over the last two decades.

Please list all service on boards, commissions or committees, private or public agencies, (including non-profit organizations)

Carlsbad Community Block Grant Committee; Kaiser/Permanente Neutral Arbitrator Panel; CA Dept. of Ins. Mediator Panel; CA Ct of App 2nd Dist. Mediator Panel; OC Sup Ct Civil Mediation Panel; LA Cty Sup Ct ADR Panel; SD Sup Ct Mediation Panel; N.C.B.A. Mediator Panel; S.D. County Bar Association Fee Arbitrator Panel; Pro Tem SD Sup.Ct; Pro Tem Sacramento County Sup.Court; and SD County Bar Assoc. Dispute Resolution Section, Leadership.

Additional information or comments

A copy of my most recent Curriculum Vitae will be provided upon request.

Submittal Information

Please select the submit button below to electronically submit application. If you prefer to print, please select "print form" button, sign and mail to:

City of Carlsbad
City Clerk's Office
1200 Carlsbad Village Drive
Carlsbad, CA 92008.

Signature



Date

01/30/2024

* Only required to sign if submitting paper form; if submitting electronically your submittal via e-mail is considered acknowledgement.

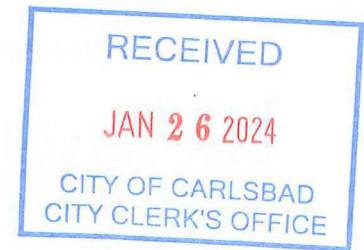
Clear form

Print form

Submit form



Boards, Commissions and Committees Application for Appointment



Arts Commission		Housing Commission		Planning Commission	
Beach Preservation Committee		Library Board of Trustees		Senior Commission	
Historic Preservation Commission		Parks & Recreation Commission		Traffic & Mobility Commission	
Tourism Business Improvement District		Golf Lodging Business Improvement District		Agricultural Mitigation Fee Committee	✓
CDBG Advisory Committee		Design Review Committee		Growth Management Plan Update Advisory Committee	
Community-Police Engagement Commission					

Personal Information

If applying for more than one, please indicate order of preference.

Name Lin-Wei Wu		Date of Birth:
		Required for Voter Registration Verification
Home		District No. 2
City Carlsbad	ZIP 92008	
Home Phone	Mobile	
E-mail		
Occupation Facilities Manager		
Employer Conjupro Bioentures, LLC		
Employer Address		
City Carlsbad	ZIP 92008	
Work Phone	Mobile	

Acknowledgements

	Yes	No
I am a resident of the City of Carlsbad.	✓	
I am a registered voter in Carlsbad.	✓	
Are you currently or have you ever been an officer of or employed by the City of Carlsbad? If yes, please explain below.		✓
Are you currently or have you ever been under contract with the City of Carlsbad? If yes, please explain below.		✓
I am a Citizens Academy graduate.		✓
I am familiar with the responsibilities of the board/commission/committee(s) on which I wish to serve.	✓	
I am willing to be interviewed regarding my qualifications for appointment by the City Council or at the request of an individual Council member.	✓	
I am willing to file financial disclosure statements.	✓	
I am willing to complete two hours of state mandated ethics training every two years.	✓	

Please make sure that your text fits in the box provided or attach an additional sheet if needed.

Explanations

By applying to serve on the Agricultural Conversion Mitigation Fee Committee, I am eager to contribute my expertise, passion, and perspective to safeguard Carlsbad's agricultural heritage and promote sustainable development practices for the benefit of current and future generations. I am dedicated to community preservation and environmental conservation, aiming to protect valuable agricultural land, which is essential for maintaining biodiversity, mitigating climate change, and promoting sustainable land use practices. Additionally, I am deeply interested in actively participating in community initiatives and collaborating with fellow residents, stakeholders, and local government to address pressing issues related to land use and conservation. As a proud local Carlsbad resident, I am committed to making a positive impact on our community's future.

Please describe your educational background

I hold a BA in Electronic Engineering and a Master of Science in Scientific Computing from the Royal Institute of Technology, Sweden. With over 20 years of experience, I have worked as a data scientist, applying my expertise in various domains. Additionally, to further enhance my skill set, I pursued business accounting, business management, and psychology classes at Mira Costa College during my spare time. These diverse educational experiences have enriched my knowledge and equipped me with a comprehensive understanding of multiple disciplines.

Please describe relevant experience

I have served as a member of our HOA association for over 5 years, actively engaging in community landscaping and architectural enhancements. This experience complements my interest in working for the Agricultural Conversion Mitigation Fee Committee, transitioning from community services to budget management. Currently, I am collaborating with architects, landscaping designers, civil engineers, and the San Diego Land Development department for the development and acquisition of various permits for my personal vacant land. This hands-on involvement has provided me with valuable insights into land usage and regulations. Additionally, my role as a facilities manager has equipped me with skills in budgeting and strategic planning, further enhancing my ability to contribute effectively to the committee's objectives.

Please describe your current or past community involvement

2007 – 2012: Served as a board member of the Palo Verdes HOA in Scottsdale, AZ, actively contributing to community initiatives and decision-making processes.

2017 – 2019: Volunteered as a chaperone for the Sage Creek High School Girls Tennis Team, supporting the team's activities and ensuring a positive and enriching experience for the students.

Please list all service on boards, commissions or committees, private or public agencies, (including non-profit organizations)

2007 – 2012: Served as a board member of the Palo Verdes HOA in Scottsdale, AZ, actively contributing to community initiatives and decision-making processes.

Additional information or comments

Submittal Information

Please select the submit button below to electronically submit application. If you prefer to print, please select "print form" button, sign and mail to:

City of Carlsbad
City Clerk's Office
1200 Carlsbad Village Drive
Carlsbad, CA 92008.

Signature *Lin Wei Wei* Date Jan 25, 2024

* Only required to sign if submitting paper form; if submitting electronically your submittal via e-mail is considered acknowledgement.

Clear form

Print form

Submit form



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Zach Korach, Finance Director
zach.korach@carlsbadca.gov, 442-339-2127

Matt Sanford, Economic Development Manager
matt.sanford@carlsbadca.gov, 442-339-5987

Subject: Economic and Financial Update for the Second Quarter of Fiscal Year 2023-24

Districts: All

Recommended Actions

1. Receive a report on the economic and financial update for the second quarter of fiscal year 2023-24 and provide direction as appropriate.
2. Receive a report on the results of the fiscal year 2023-24 mid-year budget review.
3. Adopt a resolution authorizing the City Manager or designee to appropriate \$245,000 from the Fleet Maintenance Fund for citywide fuel costs and \$80,000 from the Stormwater Enterprise Fund for a funding study to the Fiscal Year 2023-24 Operating Budget.

Executive Summary

The City Manager has committed to providing quarterly updates to the City Council on the city's economic outlook and finances. The update reviews the city's economic and fiscal health and serves as a measure of budgetary performance.

In this report, staff will provide a presentation on:

- National, state, regional and Carlsbad-specific economic data
- The city's most recent financial data

This report also details recent economic trends and information on current impacts on our local economy. In line with regional trends, Carlsbad experienced increases in revenues in almost all categories when compared to the same quarter in the previous fiscal year, and expenditures are in line with the prior year's rate of spending.

Explanation & Analysis

Economic update

Carlsbad's economy is diverse, has strong industry clusters and is a leader in innovation. According to the most recent biennial business survey of Carlsbad businesses, released in January 2022, five key industry clusters are driving growth:

- Life sciences
- Information and communications technologies
- Cleantech
- Sports innovation and design
- Hospitality and tourism

Revised data shows that Carlsbad ended 2022 with a gross regional product of \$17.1 billion, indicating that Carlsbad has the largest economy in the county behind the City of San Diego. Companies that call Carlsbad home are at the forefront in areas of technology and innovation. Among the county's 18 cities, Carlsbad's hospitality and tourism industry generates the second-highest amount of transient occupancy tax, the tax on local hospitality stays.

Carlsbad's economy demonstrated resilience and potential for growth, with unemployment rates holding steady at a relatively low 4.2%. The labor market remains exceptionally tight, with a current ratio of approximately 1.5 open jobs for every available worker. This imbalance shows a demand for labor that outweighs supply, which likely means a continued low unemployment rate for our local economy. Layoffs in the tech sector, which occurred primarily in companies that expanded their workforce during the pandemic and are now adjusting to post-pandemic levels, are showing signs of tapering off. These adjustments are positioning companies for more sustainable growth. Overall, economic indicators suggest a healthy economy with a positive outlook for the coming year, underpinned by strong labor demand and strategic adjustments within key industries.

There has been a decrease in commercial real estate vacancies across the industrial, retail and office sectors – a good sign. The shift toward remote and hybrid work models continues to influence the office market, which is likely to mean ongoing fluctuations in vacancy and lease rates for the foreseeable future. However, if capital markets become more accessible, it could mean an opportunity to redevelop older office properties, making them more competitive by adapting to current workforce needs. This strategy could revitalize these spaces, bolstering our city's economic vitality in the long run.

Nationally, the economy has remained stronger than most forecasts had predicted. Steady consumer demand has resulted in inflation (3.1% nationally) remaining elevated above the Federal Reserve's target level of 2%, although inflation has remained under 4% for most of last year. As such, most economists expect interest rates to remain at their current level for at least a few months until inflation decreases further.

A recent poll by the National Association for Business Economics showed that three-quarters of economists surveyed now predict that the U.S. will avoid a recession in 2024. An even larger number of those economists surveyed predicted growth in 2025. The majority thought interest rates were likely to hold at their current rate for some time, but a growing contingent thought there should be interest rate reductions this year. Should interest rates drop, it could create a surge in capital markets, possibly yielding more development of both commercial and

residential properties. Such a shift in demand, against the backdrop of already robust market conditions in Carlsbad, could further escalate home values.

Despite elevated interest rates, home values in Carlsbad continue to rise. The current median home price is \$1.45 million.

To ensure the city remains responsive to the changing landscape, staff have capitalized on greater in-house economic data capabilities and analytics developed over the past year to publish a quarterly economic scan. The complete economic scan for the second quarter of fiscal year 2023-24 is provided as Exhibit 2. Staff are working to update the industry cluster analysis, which is included in the economic scan, to include 2023 business information and will have updates completed ahead of the third quarter report. In addition, staff are developing an economic data dashboard that will include updates to indicators as they are released to provide the City Council and the public with a timely and interactive tool to help them understand Carlsbad's economy in real time.

Staff also publish relevant data on the city's economic development site, carlsbadca.gov/doingbusiness.

Financial update

The COVID-19 pandemic created immense uncertainty in the city's revenues, most notably in sales tax and transient occupancy tax, the tax assessed on local hotel, motel and short-term vacation rental stays. The fiscal year 2021-22 adopted budget anticipated continued adverse impacts from the pandemic with moderate recovery. However, General Fund revenues, specifically property, sales and transient occupancy tax revenues, reached historically high levels in fiscal years 2021-22 and 2022-23. This was mainly due to the staggered removal of COVID-19 restrictions, coupled with pent-up demand and inflationary increases.

During the development of the fiscal year 2022-23 adopted budget, unprecedented inflationary increases and its anticipated impacts on disposable income, personal savings, tourism and the housing market drove the need for conservative revenue estimating and budget tightening. As fiscal year 2022-23 came to a close, the General Fund's primary revenue sources continued to persevere through the high inflationary period, sustained by strong consumer demand.

As we continue through fiscal year 2023-24, and despite the recent positive historical revenue performance, monitoring the city's revenues and expenditures and taking necessary proactive steps toward mitigating economic uncertainty is as critical as ever.

The December 2023 Financial Status Report is provided as Exhibit 2.

Revenues

The General Fund's top three revenue sources – property, sales and transient occupancy tax – reached historic highs in fiscal year 2022-23. The fiscal year 2023-24 adopted budget took a conservative approach at estimating these revenue sources since revenue growth appears to be leveling off. However, year-over-year increases for property and sales taxes through the first half of the year are notably positive, given the amount of uncertainty in the economy. The table below shows the differences in revenue when comparing the first half of fiscal year 2023-24 with the same period in the prior fiscal year.

Fiscal year 2023-24 year-to-date revenues as of December 2023 compared to fiscal year 2022-23 as of December 2022

<u>Revenue category</u>	<u>Change (\$)</u>	<u>Change (%)</u>
Transient occupancy tax	-\$1,118,585	-5.5%
Property tax	\$2,909,502	10%
Sales tax	\$3,734,081	14%
Charges for services	\$1,370,766	24%
Investments, property income	\$576,726	19%
Interdepartmental charges	\$172,102	6%
Licenses and permits	\$88,877	6%
Other revenue sources	-\$513,989	-60%
Fines and forfeitures	-\$39,626	-17%
Intergovernmental	\$437,421	79%
Other taxes	\$154,387	3%
Total revenues	\$7,771,662	8%

Major revenue sources

Property tax

The majority of property tax revenue is collected in December and April each year. Increases of \$2.9 million for the first half of the fiscal year are due to a 6.7% increase in assessed property values when compared to last year. Revenue from aircraft taxes has also increased due to an increase in aircraft assessed values combined with an increase in the number of aircraft housed at the county's Palomar-McCellan Airport.

Sales tax

For the first half of the fiscal year, sales tax revenue is \$3.7 million higher than the same period in the previous fiscal year. To date, sales tax revenue represents receipts that were collected for the third quarter of calendar year 2023 as well as the first advance of the city's sales tax revenue from the fourth calendar quarter of 2023.

In fiscal year 2021-22, the city experienced accelerated recovery after the impacts of the COVID-19 pandemic. Fiscal year 2022-23 saw historically high levels of sales tax revenue driven by inflation and sustained by unwavering consumer demand. The city is anticipating that this growth in sales will level off and slow down this fiscal year.

For sales occurring in the third calendar quarter of 2023, the most recent data available shows key year-over-year gains in new auto sales. The largest economic segments in the city are automobile dealers, general retail stores and restaurants. Together, they generate approximately 70% of the city's sales tax revenue.

A significant portion of the year-over-year increase is attributed to the auto sales sector and a correction in methodology for how respective sales were being assigned and reported. It has not yet been determined whether this will be a one-time or ongoing experience.

Transient occupancy tax

Year-to-date transient occupancy tax figures represent taxes collected on hotel overnight stays through the month of November 2023. The revenue received in the first half represents a decrease of \$1.1 million, or -5.5% when compared to the same year-to-date period last year.

Occupancy rates in October, November and December of 2023 were 72.2%, 71.2% and 70.4%, respectively, and represented nominal change over the previous year. However, average daily room rates declined moderately. Average daily room rates in October, November and December of 2023 were 3.5% lower than the previous year on average. While occupancy rates remain stable, it will be important to monitor the impact of average daily room rate fluctuations on occupancy rates moving forward.

Expenditures and encumbrances

Overview

Total General Fund expenditures and encumbrances – those funds either spent or committed for specific expenses – through the month of December 2023 are \$129.5 million, compared to \$124.5 million at the same time last year. The remaining budget available through the fiscal year ending June 30, 2024, is \$112.0 million, or 46%.

Excluding transfers out, contingencies, and non-departmental charges, the percentage available on Dec. 31, 2023, is 45.7%, slightly less than the 46.9% available on Dec. 31, 2022.

Pension funding

CalPERS, the state pension system for government employees and pension funding, has been and will continue to be a challenge for participating agencies like the City of Carlsbad. CalPERS administers the city's defined benefit pension plan, and costs have been increasing in past years as CalPERS addresses a structural shortfall in the plan's assets to cover unfunded liabilities.

In support of CalPERS strategies for plan sustainability and as part of the city's strategic, long-term approach to financial management, the city actively manages its unfunded pension liability. Since fiscal year 2016-17, the City Council has approved additional discretionary payments of \$56.4 million to decrease future costs related to the city's unfunded actuarial liability and strive to achieve a funded status of 80% in accordance with City Council Policy No. 86.

CalPERS' latest actuarial valuation report (as of June 30, 2022) indicated the city had a combined pension funded status of 74.6%, reduced from the prior year's status of 86%. This reduction was predominantly driven by CalPERS' fiscal year 2021-22 investment loss of -6.1%. This negative return will not impact the city's required contributions until fiscal year 2024-25.

The City Council approved the establishment of a public agencies post-employment benefits trust (known as a Section 115 Trust) on Sept. 12, 2023. This trust allows the city to stabilize pension cost volatility, maintain local control over the city's assets, and earn a potentially higher rate of return than if the assets were kept within the General Fund. The City Council approved an initial trust contribution of \$10 million on Sept. 26, 2023.

As of Dec. 31, 2023, the city's Section 115 Trust had a balance of \$10,294,070, including the initial \$10 million contribution. Considering the assets held by CalPERS as well as the assets held in the city's trust, the combined pension funded status as of December 2023 is 75.7%. Staff will continue to monitor the activities in the trust and report the city's pension-funded status to the City Council quarterly.

Enterprise funds

The city's water and wastewater enterprise funds¹ continue to operate in line with budgeted expectations. Operations at the city's municipal golf course, The Crossings at Carlsbad, have remained relatively consistent year-over-year.

Mid-year budget update

The city initiated a mid-year budget review of the Fiscal Year 2023-24 Operating Budget in November 2023. The Finance Department led this effort in collaboration with city departments to forecast changes to revenues and expenditures compared to their current budgets. The mid-year budget review was based on the first five months of actual activity in fiscal year 2023-24.

Departments were directed to update their revenue and expenditure projections for the rest of the fiscal year based on the observed trends.

A key component of the mid-year review was the analysis of spending within departments' personnel budgets. In fiscal year 2022-23, the adopted budget for the city's General Fund included a new item of \$2 million for "vacancy savings." This represents the estimated amount of budgeted personnel savings that will be realized by the end of the fiscal year. Vacancy savings are realized when vacant or new positions take longer than expected to fill or when they are filled at a lower cost than budgeted. As of mid-year, the city anticipates being able to meet the budgeted vacancy savings figure by the end of the fiscal year. However, it's unclear at this point whether overtime costs will run exceedingly high compared to budget. If they do, then there is a chance that actual vacancy savings may be less than budgeted. The city will determine whether the General Fund is able to fully meet its budgeted vacancy savings figure of \$2 million by the fiscal year's end.

There were no substantial updates to departments' revenue budgets that would require changes to previously budgeted figures. While some of the General Fund's major revenue sources have come in higher than originally estimated, given the level of economic uncertainty, staff do not recommend changes to the original estimates. Several departments identified modest savings anticipated at fiscal year-end; at this point, no budget transfers are being proposed as a result of this review.

¹ Enterprise funds are government funds usually used to account for operations that are financed and operated in a manner similar to private business enterprises, with the services provided paid for primarily through user charges.

Funding for increased fuel costs

The city's vehicle fuel costs have been steadily increasing year over year. Current budget levels are not sufficient to meet the city's current needs. The Fleet Maintenance Fund is requesting an additional appropriation of \$245,000 to meet fiscal year 2023-24 budget needs.

Fiscal year	Adopted budget	Mid-year additions	Notes
2020	\$850,000	\$-	No additional budget needed.
2021	\$850,000	\$-	No additional budget needed.
2022	\$891,947	\$100,000	Budget of \$100,000 added toward fiscal year-end for sharp increase in fuel costs during the second half of fiscal year.
2023	\$933,947	\$378,443	Budget of \$250,000 added at year-end for increasing fuel costs, with a General Fund transfer of \$1.4 million. Budget of \$115,000 added during the year related to the addition of Police take-home vehicles. The entirety of the fuel budget was spent for existing fuel needs because take-home vehicles were not in service by fiscal year-end.
2024	\$933,947	\$245,000 (requested)	Spending is still trending high, and this requested increase should cover the increased fuel costs. This does not take into consideration the anticipated increase in Police take-home vehicle fuel costs (estimated at \$115,000 in fiscal year 2023).

Given the information presented above, the city should expect the citywide fuel budget request for fiscal year 2024-25 to be near \$1.3 million. According to U.S. Energy Information Administration data, California's average gas prices have increased by about 40% since fiscal year 2019-20. The existing budget also does not account for the additional fuel budget that will be needed for additional Police take-home vehicles, which are being outfitted for use in the near future.

Stormwater funding cost of service study

The Stormwater Enterprise Fund pays for the services of the Watershed Protection Division in the Environmental Sustainability Department and the Storm Drain Maintenance Division in the Transportation Department, collectively known as the stormwater program. The current fee structure is as follows:

- From 2003 to 2022, the Stormwater Fund received revenue from a stormwater fee paid by residents as part of their trash bill.
- With the transition to a new waste hauler on July 1, 2022², the City Council approved a franchise agreement that requires the waste hauler to charge customers the fee, instead of the city charging residents for the fee, and the city receives quarterly

² The agreement was awarded to Republic Services on April 6, 2021, with Resolution No. 2021-075.

reimbursement payments directly from Republic Services to compensate for trash reduction related stormwater program expenses.

- In preparation for the updated fee structure, HF&H Consultants completed a study of trash-reduction stormwater cost allocations, which determined the maximum allowable funding that can be collected based on the average annual projected trash reduction related costs.
- The study determined that a total of \$1,347,056 in annual trash reduction stormwater costs can be collected as reimbursement from the city's waste hauler.
- The city began receiving annual payments of \$1.3 million from Republic Services as of July 1, 2022.

These funds cover existing needs to address trash in storm drains and local waterways, However, funds for costs to comply with future requirements imposed by the state and regional water quality boards were not addressed in the study because details of the future requirements are currently unknown.

With only \$1.3 million allowable in fees collected by the waste hauler, but an adopted budget totaling \$4.4 million, approximately \$3.1 million in annual expenses do not have a dedicated funding source. Staff are temporarily spending down the Stormwater Fund balance, which totaled \$8.1 million in 2022, to provide the annual \$3.1 million needed to fund the deficit in the stormwater program budget. However, beginning in FY 2025-26, the fund will have a projected deficit and will require an alternative revenue source. Given expected cost increases and regulatory requirements, there are limited opportunities to reduce expenditures either in operations or personnel budgets.

The city can pursue a combination of potential funding opportunities to fully fund the stormwater program moving forward. Staff recommend that the city develop a long-term funding strategy for the stormwater program. The proposed budget appropriation of \$80,000 will fund the costs to contract with a firm to assist with completing a funding strategy study.

Fiscal Analysis

The request to appropriate \$245,000 from the Fleet Maintenance Fund to accommodate increasing fuel costs will not result in any citywide fiscal impact in the current year other than using the existing fund balance. Future budget increases for rising fuel costs will likely increase the associated Fleet Maintenance Fund's internal service fund chargeback – the fee charged to city departments for fleet services – to affected funds citywide. The request to appropriate \$80,000 to the Stormwater Enterprise Fund will have an impact on this fund alone. The fund is partially operated by using its fund balance, and this additional appropriation will further utilize these funds.

Once the funding strategy study is complete, based on identified funding strategies, staff intend to recommend options to the City Council on how to ensure the Stormwater Enterprise Fund's revenue is sufficient to cover its operations on an annual basis.

Next Steps

Staff will continue to develop tools to understand the economy, attract businesses and cultivate talent, and provide quarterly updates to the City Council on the economic outlook and the city's

finances. Staff will return to the City Council in May 2024 with a third-quarter financial and economic review.

Vacancy savings will be re-evaluated at the fiscal year's end to determine if the city will meet the \$2 million target in the adopted fiscal year 2023-24 budget.

With the City Council's approval, funds for the increase in fuel costs will be appropriated from the Fleet Maintenance Fund and funds for the funding strategy study will be appropriated from the Stormwater Enterprise Fund.

Environmental Evaluation

This action does not require environmental review because it does not constitute a project within the meaning of the California Environmental Quality Act under California Public Resources Code Section 21065 in that it has no potential to cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment.

Exhibits

1. City Council resolution
2. Carlsbad Economic Scan - FY 2023-24 - Second Quarter
3. December 2023 Financial Status Report

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO APPROPRIATE \$245,000 FROM THE FLEET MAINTENANCE FUND FOR CITYWIDE FUEL COSTS AND \$80,000 FROM THE STORMWATER ENTERPRISE FUND FOR A FUNDING STUDY TO THE FISCAL YEAR 2023-24 OPERATING BUDGET

WHEREAS, the City Council of the City of Carlsbad, California, has determined that citywide fuel costs for the city's fleet have been increasing year over year in recent history; and

WHEREAS, the Fleet Maintenance Internal Service Fund requires additional budget funds for the rest of fiscal year 2023-24 in the amount of \$245,000 to account for these increasing fuel costs; and

WHEREAS, the city's Stormwater Enterprise Fund has annual expenses that exceed the current available funding sources, resulting in an annual fund deficit; and

WHEREAS, the Stormwater Enterprise Fund requires an additional budget of \$80,000 to hire a consultant to perform a funding study; and

WHEREAS, the intent of the study is to identify a combination of potential funding opportunities to fully fund the stormwater program moving forward.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City Manager or designee shall be authorized to appropriate \$245,000 to the Fleet Maintenance Fund's 2023-24 operating budget to fund fuel costs.
3. That the City Manager or designee shall be authorized to appropriate \$80,000 to the Stormwater Enterprise Fund's 2023-24 operating budget to perform a funding study.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

Economic Scan

Innovation + Economic Development Department



Second Quarter, Fiscal Year 2023-2024

The following scan provides an overview of key economic indicators for October, November and December 2023 for the City of Carlsbad. This economic scan is updated quarterly to provide information that is relevant to the health of Carlsbad's economy. For regularly updated information regarding the Carlsbad economy and economic development visit carlsbadca.gov/doingbusiness.

GROSS REGIONAL PRODUCT

Carlsbad GRP (Source: Lightcast, 2022. Data revised November 2023)

\$17.1B
Gross Regional Product

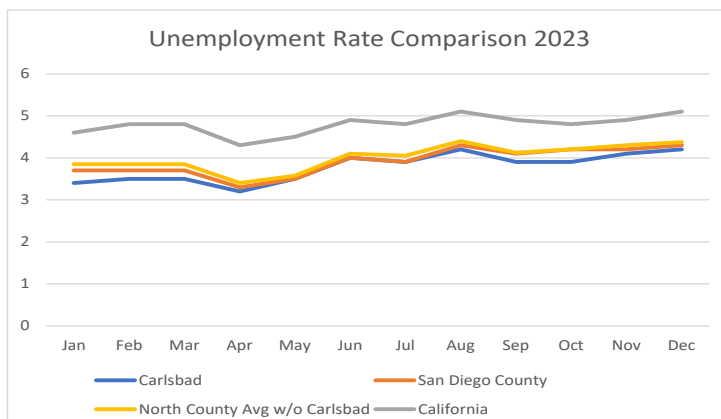


In 2022, Carlsbad had the second largest gross regional product in San Diego County at more than **\$17.1B (revised)**, only trailing the City of San Diego. From 2021 to 2022, Carlsbad's GRP grew by \$1.5B. This growth was seen across almost all industry categories, and was led by manufacturing, wholesale trade, hospitality, and professional, scientific, and technical services.

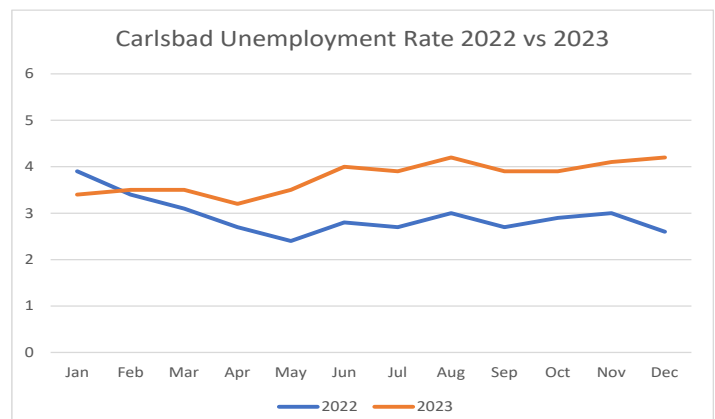
JOBS

Unemployment Rate (Source: California Employment Development Department, Dec. 2023 Report)

Carlsbad's labor market hovered around 4% for the quarter (4.2% in December). Nationally and locally, unemployment has remained low. Despite layoffs in the tech sector, overall, unemployment remains low and employers continue to hire. Job opportunities continue to outnumber available workers, keeping overall unemployment in Carlsbad and the San Diego region, low. The unemployment rate in December was **5.1%** at the state level and **4.3%** at the county level.



Feb. 27, 2024



Item #8

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Job Postings *(Source: Lightcast, Oct. - Dec. 2023)*

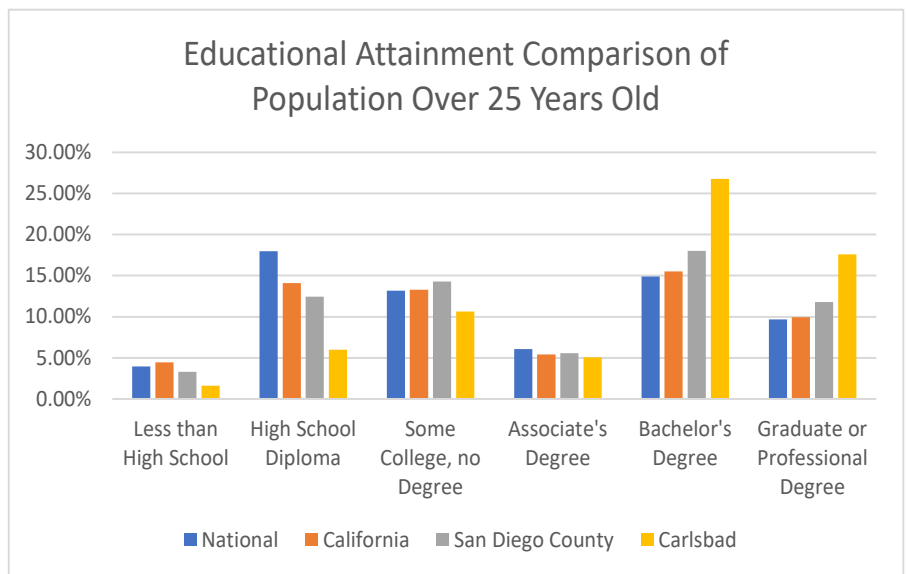
There were **7,752** unique job postings in Carlsbad between October and December, a significant decrease from the previous quarter. Over the quarter, 1,424 unique employers posted open positions. The median advertised salary for these postings was **\$49,500**, continuing a trend of decreasing advertised wages. Of jobs posted, 70% indicated an education requirement of High School/GED or no requirement listed. 68% of postings indicated less than a year of experience or no experience was required, indicating there are a number of entry-level jobs being posted.



TALENT + WORKFORCE

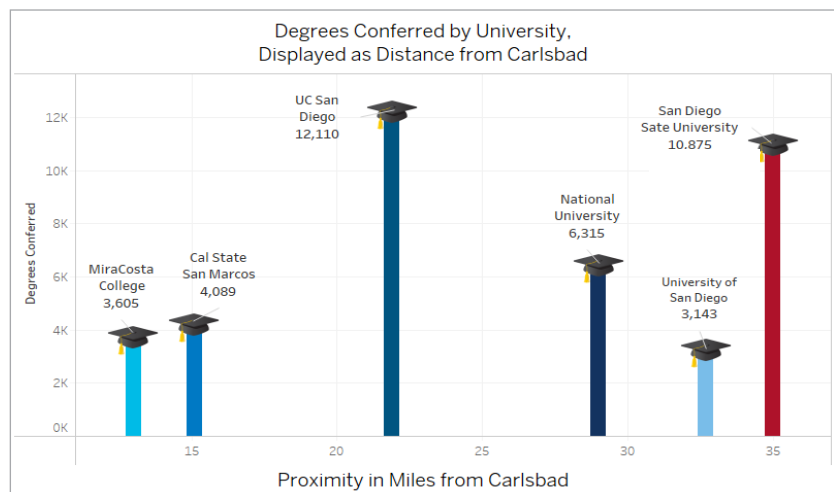
Education *(Source: 2022 ACS 5-Year Estimates, the latest year available)*

Carlsbad has established itself as having the right workforce to fuel innovation in tech and life sciences fields. Carlsbad businesses can access talent from San Diego County, Orange County, and even southwest Riverside County. More than 60% of working-age residents hold a bachelor's degree, with nearly 25% attaining an advanced degree. Outside of some communities in central San Diego, Carlsbad has the heaviest concentration of households with degrees in science, technology, engineering, and math (STEM degrees). This local talent mix is among the leading reasons that firms choose Carlsbad.



Talent Pipeline

Nearby public and private universities offer top-notch programs. Within a 30-mile radius, more than a half-dozen universities and colleges confer more than **40,100** degrees annually, a number which continues to rise on every campus in the region. The Carlsbad business community works closely with higher education partners to align various education tracks with local workforce needs.



CAPITAL

Interest Rates (Source: U.S. Department of the Treasury, Dec. 2023)

The Federal Reserve maintained interest rates over the quarter, as the economy demonstrated stability and inflation moved toward the target rate of 2%. They have signaled that rate reductions may be possible in 2024 should the economy stay on track and inflation be kept in check. In December, one-year rates were **4.79%**. Ten-year rates were **3.88%**. 30-year rates were **4.03%**. As of November, inflation figures for the San Diego area increased slightly to **5.2%** over the past year, but were down 0.2% over the past two months.

December 2022

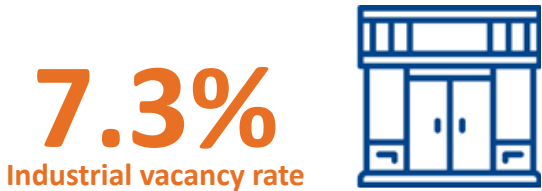
One-year interest rate	4.73%
10-year interest rate	3.88%
30-year interest rate	3.97%

December 2023

One-year interest rate	4.79%
10-year interest rate	3.88%
30-year interest rate	4.03%

COMMERCIAL REAL ESTATE

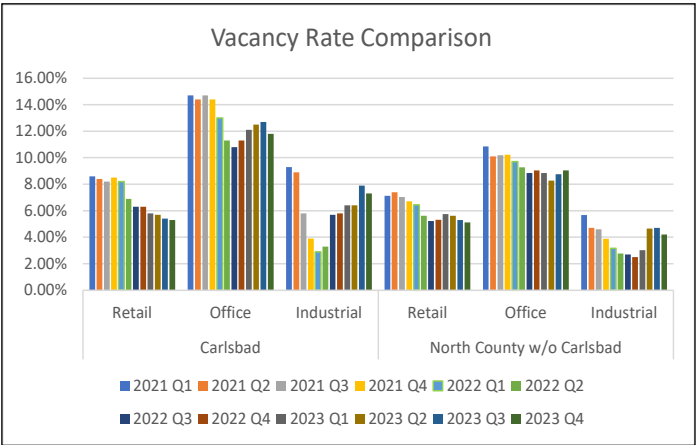
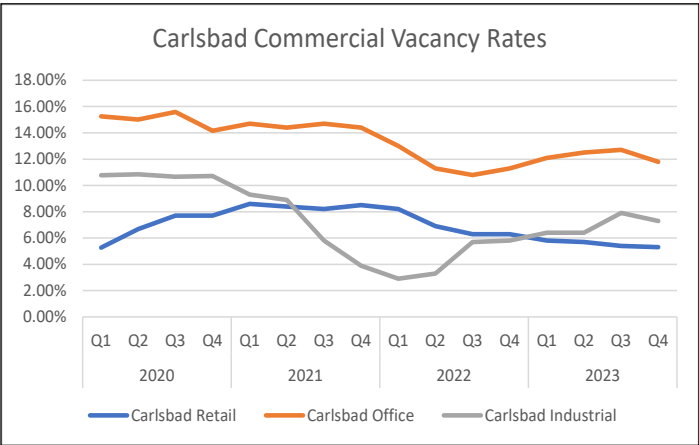
Market Vacancy Rates and Rent per Square Foot (Source: CoStar, Dec. 2023)



Commercial vacancy rates dropped across all three categories this quarter. The industrial vacancy rate in December was **7.3%**. The office vacancy rate in December was **11.8%**. Retail vacancy in December was **5.3%**.

Rental rates were relatively steady across all categories. Average market rents per square foot, per year for office rates in December were **\$37.87**. Industrial rates in December were **\$22.32**. Retail rates in December were **\$45.63**.

While Carlsbad office markets have remained relatively stable, remote and hybrid work are predicted to continue impacting office leases. With uncertain workforce dynamics and tight capital markets, commercial developers are still largely holding off on new office developments. This trend is predicted to continue.

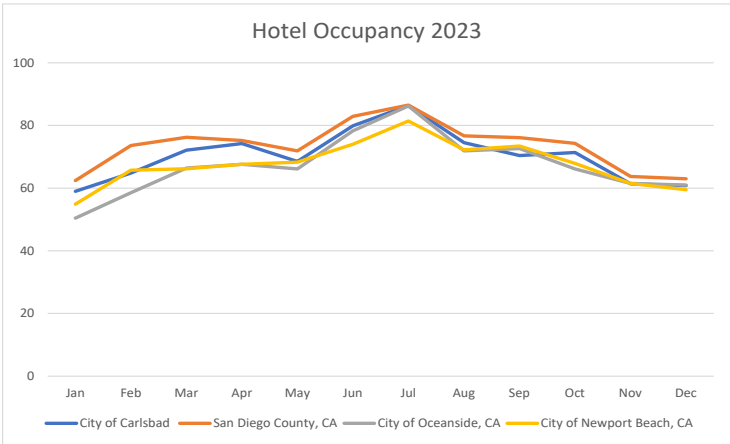
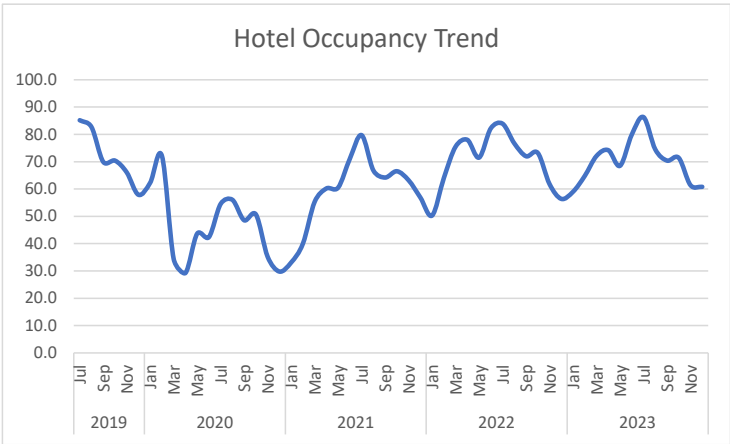




With 42 hotels in Carlsbad, tourism is a major industry in terms of employment and economic impact. It is also a major contributor to city revenue, through TOT and sales tax generation. Below are several indicators reflecting the health of the city’s tourism economy.

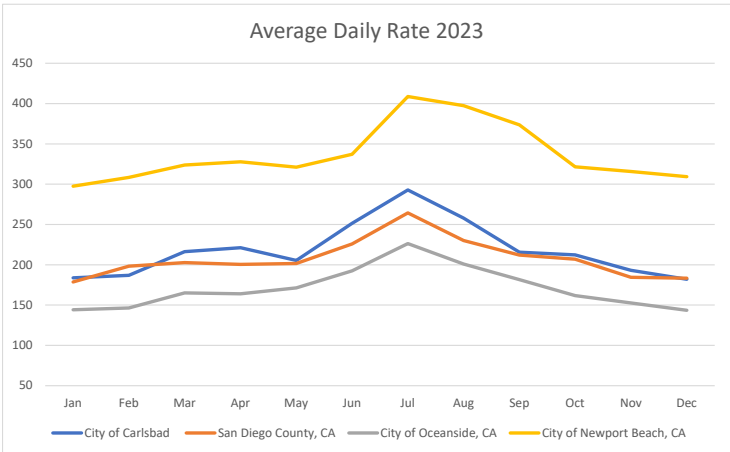
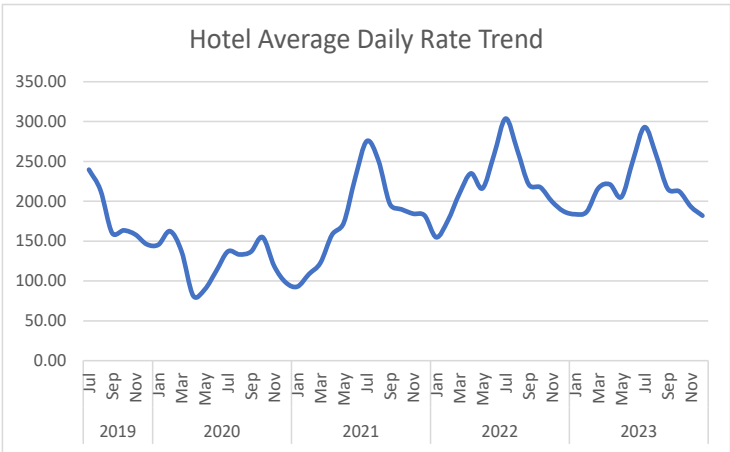
Hotel Occupancy (Source: Smith Travel Research, Dec. 2023 Report)

Occupancy averaged **64.53%** in the second quarter, which is an increase over the same quarter for 2022 (63.8%). Over the course of 2023, data indicates a gradual stabilization in the hospitality sector, aligning with global travel industry recovery efforts and changing consumer travel behaviors.



Hotel Average Daily Room Rate (Source: Smith Travel Research, Dec. 2023 Report)

Carlsbad’s average daily room rate (ADR) remains higher than pre-pandemic levels, but is lower than the same quarter of 2022. ADR averaged **\$195.79** in the fourth quarter, compared to \$201.50 for the same quarter in 2022. Overall, the ADR trends in 2023 indicate a strategic pricing approach by hotels in Carlsbad to navigate the evolving travel landscape, balancing between maximizing revenue during high demand periods and attracting guests during slower months.



INCOME + HOUSING

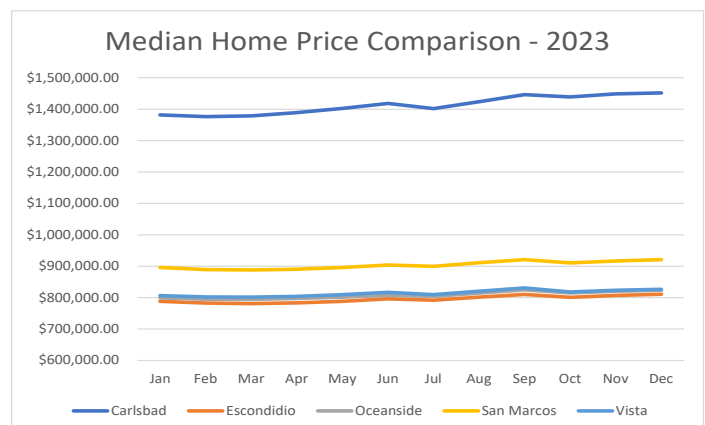
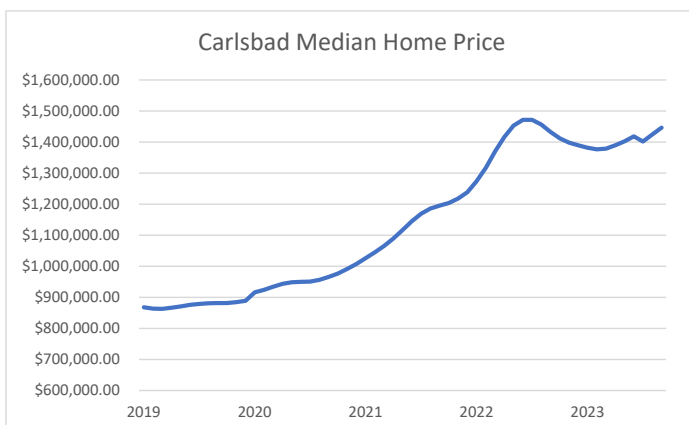
Median Household Income *(Source: 2022 ACS 5-Year Estimates, the latest year available)*

Median household income in Carlsbad continues to exceed county income levels. The median income for a household in Carlsbad in 2022 was **\$146,596**, (adjusted for inflation), which was \$21,927 higher than the previous year, and \$47,668 more than the county median household income. Carlsbad has generally outpaced the region in terms of household income growth.

	2017	2018	2019	2020	2021	2022
City of Carlsbad Median Household Income	\$102,722	\$107,172	\$123,409	\$112,933	\$124,669	\$146,596
County of San Diego Median Household Income	\$70,588	\$74,855	\$79,324	\$82,426	\$91,003	\$98,928
City of Carlsbad per Capita Income	\$52,560	\$55,518	\$63,079	\$57,607	\$65,430	\$66,944
County of San Diego per Capita Income	\$34,350	\$36,156	\$40,389	\$39,737	\$44,377	\$46,957

Median Home Price *(Source: Zillow Home Value Index - Dec. 2023)*

There was a moderate rise in home values this quarter despite elevated interest rates. Steady consumer demand kept values on an upward trajectory for most of the year. The current median home price is **\$1.45 million**, an increase of about \$22,000 over the last quarter. A recent poll showed that three-quarters of economists now predict that the U.S. will avoid a recession in 2024, and a growing contingent among them anticipates interest rate reductions this year. Should interest rates drop, it could create a surge in demand for homes. Such a shift in demand, against the backdrop of already robust market conditions in Carlsbad, could further escalate home values.

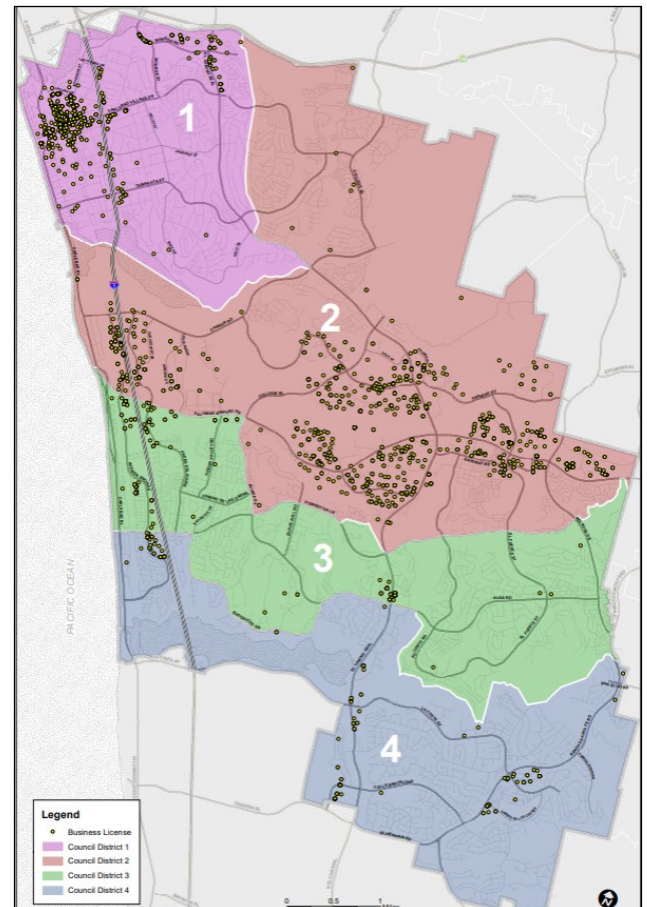
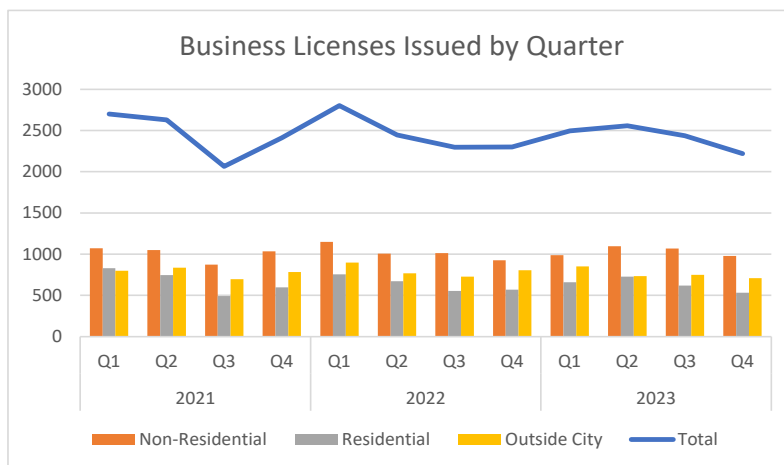


BUSINESS ACTIVITY

Business Licenses *(Source: City of Carlsbad, Dec. 2023)*

There were a total of **2,219** business licenses issued last quarter, including **978** non-residential, **531** residential, and **710** outside-the-city licenses. This is a decrease of 81 total businesses over the same quarter of 2022.

The number of licenses issued does not reflect the number of businesses in Carlsbad as a business may carry multiple licenses, short-term vacation rentals are required to get a license, and businesses outside of Carlsbad that do business in the city or with the city are required to get a license. It is estimated that there are approximately **6,667** businesses in Carlsbad, a slight increase over the previous year.

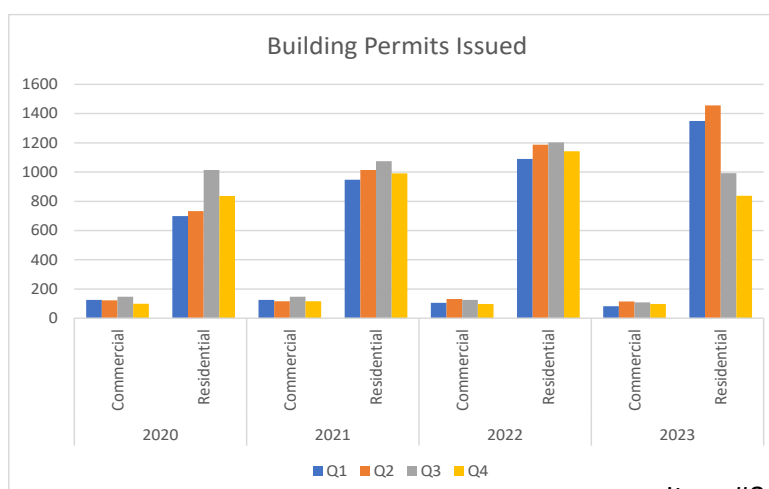


Carlsbad Businesses by City Council District

Building Permits *(Source: City of Carlsbad, Dec. 2023)*

Between October and December, permit activity continued to decrease for residential building permits (**838**). The surge in residential permits issued in the first half of the year, followed by the subsequent drop off is largely attributable to fluctuation in demand for new photo-voltaic systems as a result of the State of California's changes to net-metering rules.

Commercial permits issued (**98**), mirrored the same quarter of 2022.



INDUSTRY CLUSTERS

Life Sciences *(Source: 2022 Business Report and Industry Cluster Update)*

The Life Sciences industry cluster employs **6,657** workers across **134** firms and experienced a 2.6% increase in employment between 2018 and 2020. The cluster is 5.51 times more concentrated in Carlsbad than the national average and annual wages per worker average \$123,702.

San Diego County and California have experienced parallel employment growth in the Life Sciences cluster between 2010 and 2020. In the same ten-year period, employment in Carlsbad grew by 75%. Between 2016 and 2018, Carlsbad experienced over 40% growth. From 2018-2020, however, employment growth tapered off compared to years prior.

Technology *(Source: 2022 Business Report and Industry Cluster Update)*

The Information and Communications Technologies (ICT) cluster employs **9,008** workers across **343** firms in Carlsbad and is 2.75 times more concentrated in Carlsbad than the national average. Annual wages per worker average \$136,254, and the ICT industry cluster experienced a 3.3% increase in the number of jobs between 2018 and 2020.

San Diego County and California experienced steady parallel growth in the ICT cluster between 2010 and 2020. In the same ten-year period, Carlsbad experienced an initial decline in employment between 2012 and 2015; between 2015 and 2020, employment in the ICT cluster has steadily trended upwards.

Cleantech *(Source: 2022 Business Report and Industry Cluster Update)*

Between 2018 and 2020, the number of workers employed at Cleantech firms increased by 22.2%. By 2019, the **48** Cleantech firms in Carlsbad employed more than **872** people. The average annual wage per worker is \$109,779, and the Cleantech industry cluster in Carlsbad is 4.66 times more concentrated than the national average.

Between 2010 and 2012, Carlsbad experienced an initial employment drop for the Cleantech industry followed by steady growth between 2012 and 2020. Employment growth in California peaked in 2013 and has been on a steady decline since. Growth in San Diego County also peaked in 2013, dropping by over 25% between 2013 and 2017. Since 2017, employment in the Cleantech cluster for San Diego County has been on a steady increase.

Sports Innovation & Design *(Source: 2022 Business Report and Industry Cluster Update)*

The Sports Innovation & Design industry cluster employs **1,804** workers across **116** firms and experienced a 16.3% decrease in employment between 2018 and 2020. The cluster is 5.06 times more concentrated in Carlsbad than the national average and annual wages per worker average \$75,652.

Employment in the Sports Innovation & Design cluster has steadily declined since 2013 in Carlsbad. Both San Diego County and California have declined steadily since 2015 and experienced sharp declines between 2019 and 2020, likely due to the COVID-19 pandemic.

Hospitality & Tourism *(Source: 2022 Business Report and Industry Cluster Update)*

Carlsbad's Hospitality & Tourism cluster is about 1.35 times more concentrated in Carlsbad than the national average and employs **9,179** people across **467** businesses. Hospitality & Tourism experienced a sharp 34% decrease in employment between 2018 and 2020, driven by the effects of the COVID-19 pandemic between 2019 and 2020. Average annual wages per worker remain low relative to other key industry clusters, with workers earning \$31,315 on average.

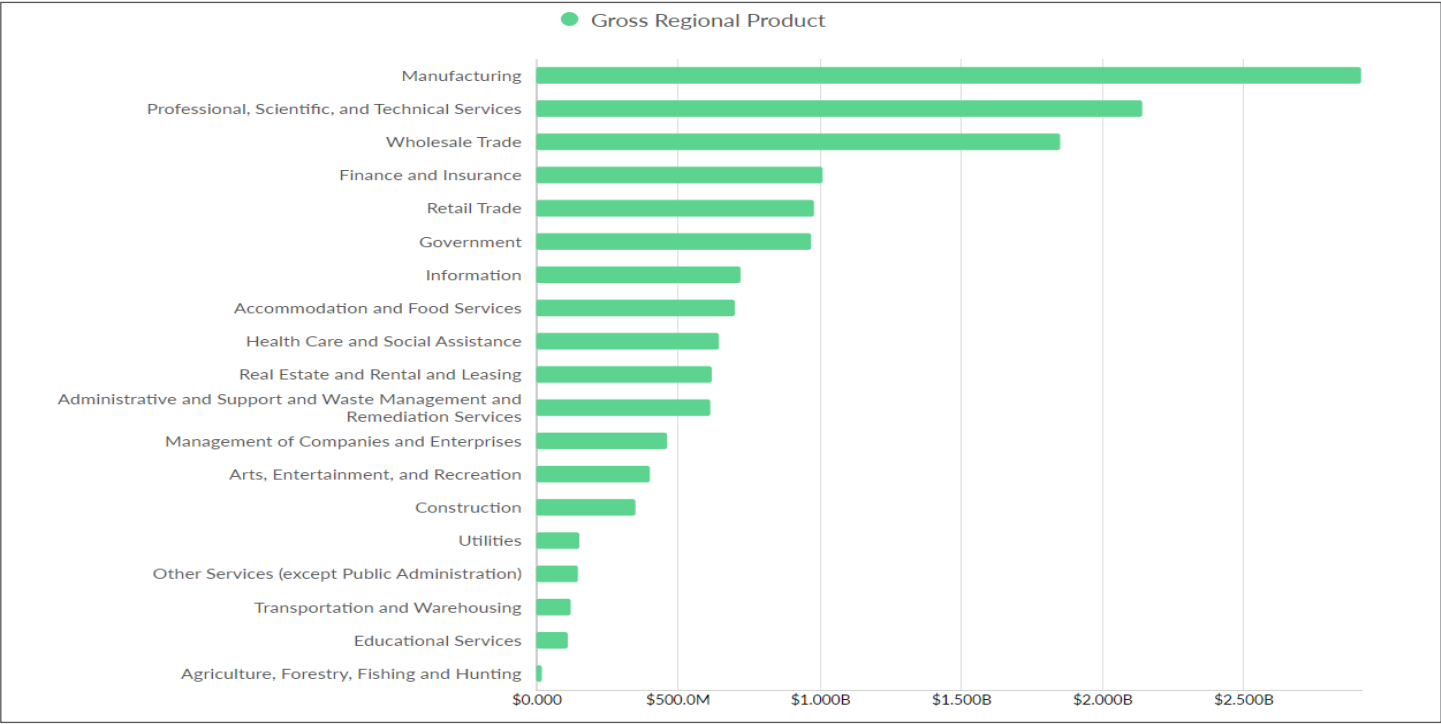
Carlsbad, San Diego County, and California experienced sharp declines between 2019 and 2020, during which sub-clusters like Theater Companies and Dinner Theaters, Amusement and Theme Parks, and Amusement Arcades were shut down to

INDUSTRY IMPACT

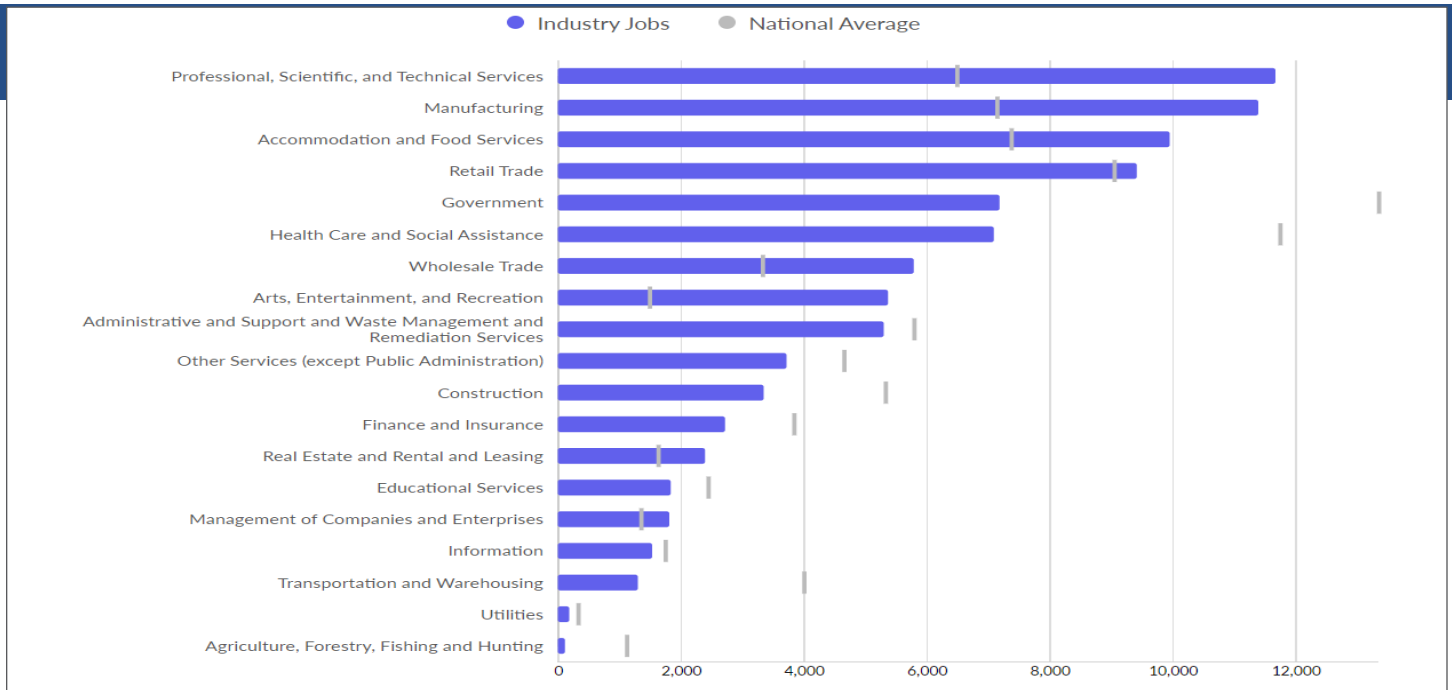
Largest Industries *(Source: Lightcast, Dec. 2023)*

Carlsbad’s economy significantly exceeds the national average in manufacturing, accommodation and food services, and professional, scientific and technical services jobs. These sectors, which would include tech, life sciences, and other innovation industries are generally more resilient to recessions, also represent significant job growth in the economy.

GRP by Industry

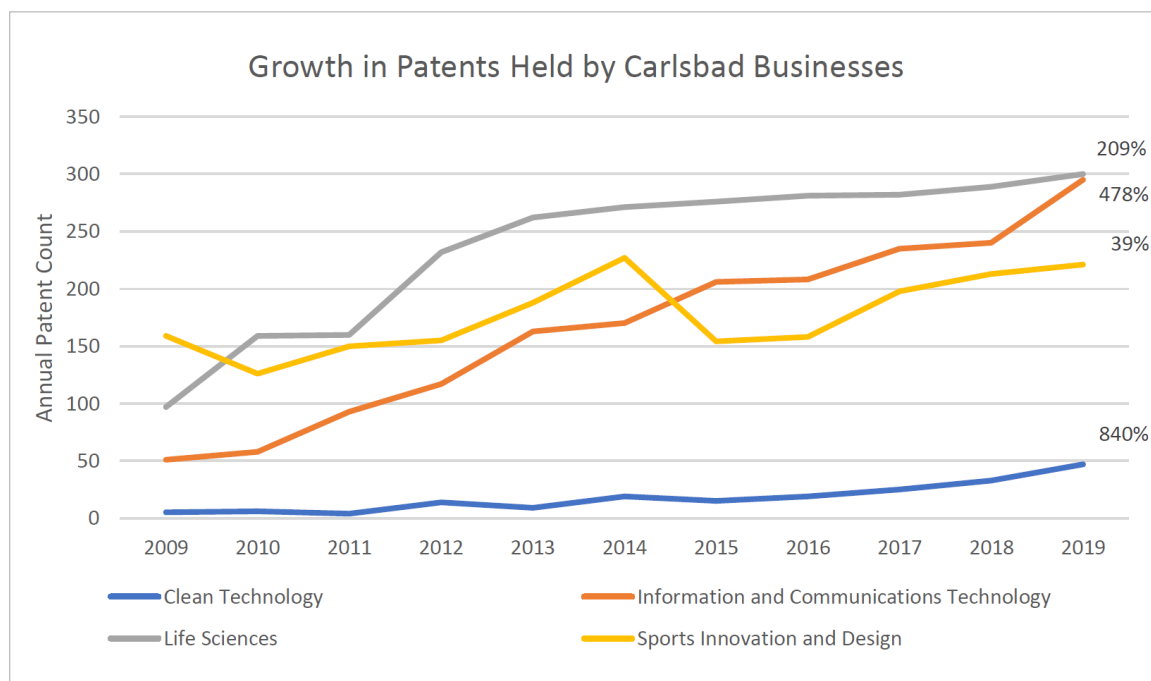


Industry size by employment



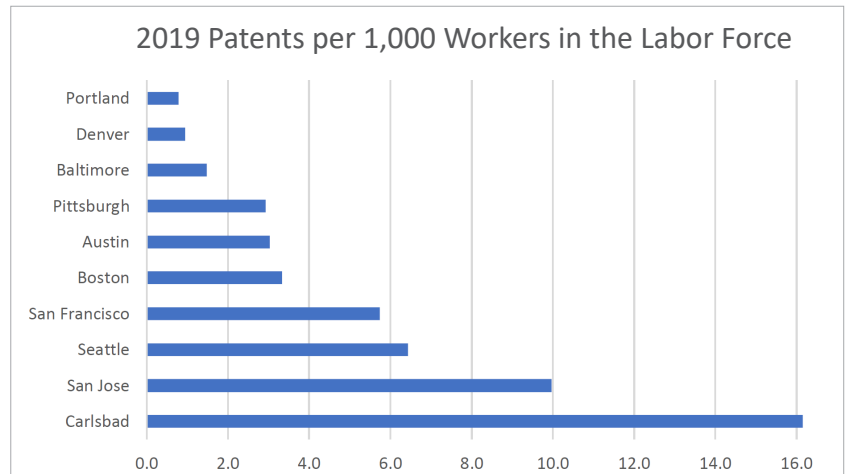
Patents *(Source: 2020 Carlsbad Industry Cluster Patent Update)*

Four of the key industry clusters mentioned above drive innovation activity in Carlsbad. The figure below shows that while the Life Sciences cluster has been a long-term driver of the city's Innovation Economy, Information & Communications Technology patents have seen dramatic growth over the past ten years and was responsible for virtually the same number of new patents as life sciences in 2019. It is also worth noting that Clean Technology, which is the industry cluster with the lowest number of patents, has grown by more than 800% since 2009. All told, these four industry clusters accounted for 96% of all patents awarded to Carlsbad firms in 2019.



Patents per Capita

Carlsbad has a notably higher proportion of patents per 1,000 workers—over 60% more than the next-closest competitor city. This figure shows that Carlsbad has a greater concentration of patent activity than even the technology hubs of San Jose, Seattle, San Francisco, and Boston. In 2019, Carlsbad had **1.6** patents for every 1 patent per 1,000 workers in San Jose. That ratio was 2.5 and 2.8 for Seattle and San Francisco.



Released Feb. 27, 2024

*The quarterly economic scan is developed by the City of Carlsbad Innovation & Economic Development Department.
For more information, visit carlsbadca.gov/doingbusiness, or contact the team at business@carlsbadca.gov.*

Financial Status Report

December 31, 2023

This report summarizes the City of Carlsbad's General Fund revenues and expenditures through December 31, 2023. It compares revenues and expenditures for the first six months of fiscal year 2023-24 and fiscal year 2022-23. In addition, the financial status of the Water, Wastewater and Golf Course Enterprise Funds are included. This report is for internal use only. The figures presented here are unaudited and have not been prepared in accordance with Generally Accepted Accounting Principles.

General Fund Revenues



Property Taxes (\$32.7 million) – The majority of property tax revenue is collected in December and April each year. According to the County of San Diego Assessor's Office, assessed values in Carlsbad have increased by 6.26% for fiscal year 2023-24. This is the 11th year in a row that Carlsbad's assessed values have increased from year to year, and in line with assessed value increases with other cities in San Diego County for the year. The increase in this year's assessed values

is due to increases in the assessed values of residential and commercial properties in the city; the city saw a smaller increase in industrial property values for the year. This is the ninth year in a row since the Great Recession ended that the city saw increases in assessed values in all three property components (residential, commercial and industrial). Although increases in residential assessed values were recorded for fiscal year 2023-24, the county is now experiencing historically low for-sale housing inventory with housing prices remaining steady.

The property taxes for the first half of the fiscal year have increased by 10% as compared to the prior fiscal year. The primary reasons for the increase are:

- Current taxes are up by \$1.8 million or 6.7% mainly due to increased assessed property values.
- Aircraft taxes are also up \$910,000 or 47% due to an increase in aircraft assessed values (32%) combined with an increase in the number of aircrafts being housed at the airport.



Sales Taxes (\$30.4 million) – For the first half of the fiscal year, sales tax revenues are \$3.7 million higher than the same period in the previous fiscal year. Sales tax revenues to date for the current fiscal year represent the city's sales tax revenues for the third calendar quarter of 2023 and the first advance for the fourth calendar quarter of 2023.

In fiscal year 2021-22, the city experienced accelerated recovery after the impacts of the COVID-19 pandemic. Fiscal year 2022-23 saw historically high levels of sales tax revenues driven by inflation and sustained by consumer demand. The city is anticipating that this growth in sales will level off and slowdown this fiscal year.

For sales occurring in the third calendar quarter of 2023 (the most recent data available), key year-over-year gains were seen in new auto sales. The largest economic segments in the city are automobile dealers, general retail stores, and restaurants. Together, they generate approximately 70% of the city's sales tax revenues.

A significant portion of the year-over-year increase is attributed to the auto sales sector and a correction in methodology for how respective sales were being assigned and reported. It is not yet determined whether this will be a one-time or ongoing experience.



Transient Occupancy Tax (\$19.1 million) – The city’s third highest General Fund revenue source on an annual basis is Transient Occupancy Tax (TOT or hotel tax), estimated at \$32.8 million for the current fiscal year. A tax of 10% of the rent amount is collected on all occupancies less than 30 days (transient) in duration. Year-to-date TOT figures represent taxes collected on hotel receipts through the month of November 2023. TOT collected for the first half of the fiscal year reflects a decrease of \$1.1 million or 5.5%, when compared to the previous year.

Currently, there are 4,768 hotel rooms in service (of 5,059 total rooms built in the city and 426 registered short-term vacation rentals). The average occupancy of hotel rooms over the most recent 12 months has been 70.4% which is the same percentage when compared to this time last year. Average daily room rates in October, November and December of 2023 were 3.5% lower than the previous year on average. While occupancy rates remain stable, it will be important to monitor the impact of average daily room rate fluctuations on occupancy rates moving forward.



Business License Tax (\$3.1 million) – All entities doing business in the City of Carlsbad are required to have a valid business license. Business license revenue is estimated at \$6.4 million for the current fiscal year. Business license revenues are up \$212,700, or 7%, from the previous fiscal year. The increase is due to an increase in license renewal revenue offset by a slight reduction in penalty revenue from overdue business license renewals when compared to the prior year.

There are currently 9,490 licensed businesses operating within the city, 12 less than the prior year. The majority of taxed businesses (6,373 businesses) are located in Carlsbad, with 2,368 of these businesses home-based.



Interdepartmental Charges (\$3.1 million) – Interdepartmental charges are up by \$172,100 when compared with the same period last year. These charges are generated through engineering services charged to capital projects (up \$107,000 due to more staff time charged to capital projects); reimbursed work from other funds; and miscellaneous interdepartmental expenses charged to funds outside the General Fund for services performed by departments within the General Fund (up \$65,000).



Income from Investments and Property (\$3.6 million) – For the first half of the fiscal year, income from investments and property is up \$576,700 compared to the previous fiscal year. This increase is largely due to a 42% rise in yield from 2.01% as of December 2022 to 2.49% as of December 2023 along with a 5.1% increase in the average cash balance held in the General Fund.

Throughout the pandemic, the Federal Reserve had maintained an effective benchmark interest rate between 0 and 0.25%. However, inflation which had been on a historic rise for much 2022 and into 2023 resulted in the Federal Reserve increasing benchmark rates all the way to a target range of 5.25%-5.5% as of July 2023. While 2022 saw repeated interest rate hikes, 2023 experienced smaller interest rate hikes at a slower and more deliberate pace. Recent indicators suggest that economic activity has been expanding at a solid pace, and although inflation has eased over the past year and prices have started to come down, the Federal Reserve continues to hold interest rates steady at the target range of 5.25 to 5.5%, the highest it has been in more than 20 years. It is expected that rates will hold steady with the intent to reduce as inflation decreases.



Recreation Fees (\$1.9 million) – Recreation fees are generated through instructional classes, camps, youth and adult sports, special events, parent participation preschool, senior programs, and various aquatic programs. Recreation revenues are up by \$133,400 compared to last year at this time. Half of this increase is attributable to an increase in aquatic lesson revenue and the other half is related to an increase in instructional class revenue.



Development Related Revenues (\$2.1 million) – Development related revenues, which include building permits, planning fees, building department fees, and engineering fees, reflect a 12% decrease for the first three months of the fiscal year.

Development related fees are paid by developers to cover a portion of the cost of reviewing and monitoring development activities, such as plan checks and inspections. Engineering plan check fees are one of the first fees paid during the initial stages of development. Activity during the second quarter fiscal year 2023-24 included permits associated with the new residential construction of 17 second dwelling units, 51 condominiums (44 units for Chiquapin Coastal and 7 units at Marja Acres), 7 single family homes, 47 apartments (Marja Acres senior affordable units) and various homeowner improvements. Commercial and Industrial permit activity included permits associated with an industrial building for Ionis (164,833 sq. ft.) and 3,427 commercial sq. ft. for a Chik-Fil-A restaurant.

One source of development related revenue is building permits, which are at the same level of \$1 million in revenues when compared to last fiscal year. The year-to-date valuation of new construction in the current fiscal year is \$181 million. This represents a \$66 million, or 58%, increase in valuation over the previous fiscal year.



Franchise Tax (\$1.7 million) – Franchise taxes are generated from public utility sources, such as San Diego Gas & Electric (SDG&E), trash collection franchises, and cable franchises conducting business within city limits. Franchise tax revenue is estimated to be at \$7.1 million for the current fiscal year. Year-to-date franchise taxes are \$30,000 higher when compared to the same period last year.

Cable television franchise revenues (Spectrum and AT&T) are down \$119,000 representing a decrease in the number of subscription service subscribers (premium video, equipment rental, on-demand, and programming services). An increase in trash collection revenue of \$149,000 resulted from the city's most recent contract with Republic Services, the city's waste services provider.

SDG&E pays franchise taxes for the use of public land over which they transport gas and electric services. In addition, SDG&E pays an "in-lieu" franchise tax based on the value of gas and electricity transported through SDG&E lines but purchased from another source. The "in-lieu" tax was put in place to capture the franchise taxes on gas and electricity that is transported using public lands, but which would not otherwise be included in the calculations for franchise taxes. Approximately 46% of the city's franchise taxes are anticipated to be received from SDG&E in April 2024.



Ambulance Fees (\$3.3 million) – The city bills any individual who is transported in one of the city's ambulances. Through December 2023, receipts from ambulance fees are up \$1.2 million, or 60%, compared to last fiscal year. The increase in revenue for the first half of the fiscal year is mainly due to changes to the ambulance fee schedule that the City Council approved in June 2023 along with an increase in the number of billable transports, 3,875 in the first half of fiscal year 2023-24 versus 3,720 at the same time in the prior fiscal year.



Other Revenue Sources (\$341,000) – Other revenue sources have decreased by \$514,000 and include revenues received by the city to offset the costs of special studies or projects for developers; reimbursements for damage done to city streets, rights-of-way, and other city-owned property; donations; and miscellaneous reimbursed expenses and refunds of prior year fees. The decrease to date is related to higher amounts received for developer funded studies in the prior fiscal year when compared to the current fiscal year.



Other Licenses and Permits (\$528,000) – Other licenses and permits consist of fire protection services, right-of-way, lagoon, grading, hazardous uses, and other miscellaneous permit revenues. These permits usually increase/decrease along with increases/decreases in development activity. Other licenses and permit revenues can vary throughout the year. To date, the increase of \$88,400 over the prior year is primarily a result of increased right of way and coastal development permits when compared to the same period last year.



Fines and Forfeitures (\$191,100) – Fines and forfeitures represent fees collected for code violations, parking citations, overdue fines, and returned checks. The city recognizes revenues when the citizen pays the fine or forfeiture, as opposed to when the fine is imposed. The decrease to date of \$39,600 is mainly due to decreases in code violation assessments (\$42,000) when compared to the previous fiscal year as well as the elimination of overdue fines (\$8,000) for library materials offset by a small increase in parking and vehicle citations and fees.



Intergovernmental Revenues (\$989,200) – Intergovernmental revenues include homeowners property tax exemption revenue and miscellaneous receipts and grants received from the state or federal governments, as well as local school districts. Various miscellaneous receipts comprise the \$989,200 received this year which represents an increase of 79% over the same period last year. This increase is mainly due to state reimbursements received for two planning related state grant awards.



Transfer Taxes (\$518,500) – When real property is sold, the County Assessor's Office charges a transfer tax. The transfer tax rate in San Diego County is \$0.0011 multiplied by the selling price of the property. The city receives 50% of the transfer tax charged for sales within the City of Carlsbad. Revenues have decreased over the same period last year due to a decrease in property transfers.



Other Charges or Fees (\$796,800) – Other charges or fees are generated through the sale of city documents, such as staff reports, blueprints and copies; general fees collected for false alarms, easements and agreements, weed abatement and kiosk signs; and general services, such as mutual aid response, mall police services, emergency response services, reports, etc. These fees are up by \$264,400, or 50% mainly due to an increase in annual fire inspection fees, false alarm response fees and mutual aid response reimbursements when compared to the prior fiscal year.

A detailed schedule of General Fund revenues is provided on the following page.

**GENERAL FUND
REVENUE COMPARISON**

	REVENUE BUDGETED FOR FY 2023-24	REVENUE EXPECTED THROUGH 12/31/23	ACTUAL FY 2023 AS OF 12/31/22	ACTUAL FY 2024 AS OF 12/31/23	CHANGE FROM YTD 2023 TO YTD 2024	PERCENT CHANGE
TAXES						
PROPERTY TAX	\$84,246,868	\$28,779,607	\$29,791,843	\$32,701,345	\$2,909,502	10%
SALES TAX	51,064,943	24,216,800	26,645,722	30,379,803	3,734,081	14%
TRANSIENT OCCUPANCY TAX	32,861,193	19,401,010	20,238,806	19,120,221	(1,118,585)	-5.5%
FRANCHISE TAX	7,084,717	1,545,385	1,708,792	1,738,561	29,769	2%
BUSINESS LICENSE TAX	6,435,502	2,923,621	2,887,870	3,100,617	212,747	7%
TRANSFER TAX	1,624,950	720,846	606,629	518,500	(88,129)	-15%
TOTAL TAXES	183,318,173	77,587,269	81,879,662	87,559,047	5,679,385	7%
INTERGOVERNMENTAL						
VEHICLE LICENSE FEES	83,951	0	0	0	0	0%
HOMEOWNERS EXEMPTIONS	353,000	52,686	50,768	49,142	(1,626)	-3%
OTHER REIMBURSEMENT	599,000	148,302	500,998	940,045	439,047	88%
TOTAL INTERGOVERNMENTAL	1,035,951	200,987	551,766	989,187	437,421	79%
LICENSES AND PERMITS						
BUILDING PERMITS	1,250,000	573,472	1,009,970	1,010,424	454	0%
OTHER LICENSES & PERMITS	850,500	379,367	439,391	527,814	88,423	20%
TOTAL LICENSES & PERMITS	2,100,500	952,839	1,449,361	1,538,238	88,877	6%
CHARGES FOR SERVICES						
PLANNING FEES	442,000	184,654	246,652	383,902	137,250	56%
BUILDING DEPARTMENT FEES	861,000	526,727	583,169	360,211	(222,958)	-38%
ENGINEERING FEES	774,000	408,087	522,387	333,014	(189,373)	-36%
AMBULANCE FEES	6,798,000	3,231,942	2,077,050	3,325,165	1,248,115	60%
RECREATION FEES	2,598,600	1,495,368	1,799,550	1,932,912	133,362	7%
OTHER CHARGES OR FEES	1,584,245	635,448	532,431	796,801	264,370	50%
TOTAL CHARGES FOR SERVICES	13,057,845	6,482,226	5,761,239	7,132,005	1,370,766	24%
FINES AND FORFEITURES	276,200	158,178	230,765	191,139	(39,626)	-17%
INCOME FROM INVESTMENTS & PROPERTY	5,948,225	2,624,278	3,047,278	3,624,004	576,726	19%
INTERDEPARTMENTAL CHARGES	5,746,232	2,782,555	2,901,367	3,073,469	172,102	6%
OTHER REVENUE SOURCES	987,000	397,580	854,589	340,600	(513,989)	-60%
TRANSFERS IN	10,000	0	0	0	0	0%
TOTAL GENERAL FUND	\$212,480,126	\$91,185,911	96,676,027	\$104,447,689	\$7,771,662	8.0%

(1)

(1) Calculated General Fund revenues are 15% above estimates as of December 31, 2023.

Expenditures

Total General Fund expenditures and encumbrances-those funds either spent or committed for specific expenses- through the month of December 2023 are \$129.5 million, compared to \$124.5 million at the same time last year. The remaining budget available through the fiscal year ending June 30, 2024, is \$112.0 million, or 46.4%. If funds were spent in the same proportion as the previous year, the General Fund would have 45.7% or \$104.6 million available. Excluding transfers out, contingencies, and non-departmental charges, the percentage available on December 31, 2023, is 45.7%, slightly less than the 46.9% available on December 31, 2022.

The fiscal year 2023-24 budget was developed with a focus on resiliency over the long-term and reflects a call for departments to increase efficiency and find new ways to reduce ongoing spending. In addition to lowering base spending in the General Fund by \$2.3 million at a time when inflation is 6%, the adopted budget reduced city staffing by the equivalent of 12 positions.

With the development and adoption of the city's fiscal year 2023-24 budget, the city forecasted that ongoing spending would exceed ongoing revenues as soon as fiscal year 2025-26. Since the adoption of this year's budget and the close of fiscal year 2022-23, staff presented an updated forecast at the City Council meeting on October 24, 2023, that showed this shortfall is now projected to occur in fiscal year 2028-29, which was primarily driven by stronger-than-expected revenue performance. This year's budget scales back custodial services, nonessential park maintenance, printing and other administrative expenses, travel and training for city staff, and city cell phone use, among other areas expected to have a minimal impact on the community.

The adopted General Fund budget for fiscal year 2023-24 increased by 9.3% or \$18.5 million when compared to last fiscal year due to:

- Increased personnel costs (increase of \$6 million or 4.8%):
 - \$5.2 million in salaries and wages due to negotiated salary increases offset by a reduction in total full-time equivalent positions of 12.06.
 - \$0.2 million in health insurance and retirement benefits costs.
 - \$0.6 million increase in other personnel costs (Medicare, unemployment and disability benefits).
- Increased maintenance and operations costs (increase of \$5.6 million):
 - Overall, total maintenance and operations costs are projecting an increase, however, this category includes a one-time appropriation of \$5.22 million from General Fund reserves toward regional efforts to lower the railroad tracks in Carlsbad. Excluding this one-time use of reserves, the maintenance and operations costs are projected to increase just 0.7% for fiscal year 2023-24 when compared to fiscal year 2022-23. With year-over-year increases in inflation of 8.2% and 6.4%, respectively, this relatively minor increase in maintenance and operations is a tremendous achievement that was accomplished through a strategic analysis of budget reductions.
- Increase in transfers to other city funds (increase of \$8.3 million):
 - The city annually budgets 6% of General Fund revenues as a transfer to the Infrastructure Replacement Fund, General Capital Construction Fund and The Technology Investment Capital Fund to help fund major new construction, maintenance and replacement of city infrastructure and facilities and the city's future technology needs.
 - \$7.4 million in additional transfers was budgeted for the General Capital Construction Fund and funded by the General Fund's budgeted operating surplus. The General Capital Construction Fund is funded by the General Fund and includes many capital projects programmed in the future. The level of funding necessary to fully fund these projects is an increasing concern. This one-time transfer amount will assist with funding the city's general capital construction into the future.

CalPERS and pension funding has been and will continue to be a challenge for participating agencies. CalPERS administers the city's defined benefit pension plan and costs have been increasing in past years as CalPERS

addresses a structural shortfall in plan assets to cover unfunded liabilities. In support of CalPERS strategies for plan sustainability and as part of the city's strategic, long-term approach to financial management, the city actively manages its unfunded pension liability. Since fiscal year 2016-17, the City Council has approved additional discretionary payments of \$56.4 million to decrease future costs of the city's unfunded actuarial liability and strive to achieve a funded status of 80% in accordance with City Council Policy Statement No. 86.

CalPERS latest actuarial valuation report (as of June 30, 2022), the city had a combined pension funded status of 74.6%, reduced from the prior year's status of 86%. This reduction was predominantly driven by CalPERS' fiscal year 2021-22 investment loss of -6.1%. This negative return will not impact the city's required contributions until fiscal year 2024-25.

The City Council approved the establishment of a Public Agencies Post-Employment Benefits Trust (Section 115 Trust) on September 12, 2023. This trust allows the city to stabilize pension cost volatility, maintain local control over the city's assets and earn a potentially higher rate of return than if the assets were kept within the General Fund. The City Council approved an initial trust contribution of \$10 million on September 26, 2023.

City staff will continue to provide regular financial updates to the City Council throughout fiscal year 2023-24. Identifying a potential structural deficit early has allowed the city to take a thoughtful approach to solutions, exploring new ways to reduce spending and increase revenue.

A detailed schedule of General Fund expenditures is provided on the next page.

**GENERAL FUND
EXPENDITURE STATUS BY DEPARTMENT**

DEPARTMENT DESCRIPTION	ADOPTED	WORKING	AS OF 12/31/23		
	BUDGET FY 2023-24	BUDGET FY 2023-24 (a)	AMOUNT COMMITTED (b)	AVAILABLE BALANCE	% AVAILABLE (c)
POLICY AND LEADERSHIP GROUP					
CITY ATTORNEY	\$2,115,596	\$2,115,596	\$1,076,803	\$1,038,793	49.1%
CITY CLERK	1,274,455	1,298,267	629,782	668,485	51.5%
CITY COUNCIL	607,078	612,881	264,352	348,529	56.9%
CITY MANAGER	2,184,823	2,298,394	1,282,253	1,016,141	44.2%
CITY TREASURER	279,149	279,149	101,867	177,282	63.5%
COMMUNICATIONS & ENGAGEMENT	1,953,098	2,227,156	1,242,782	984,374	44.2%
TOTAL POLICY AND LEADERSHIP GROUP	8,414,199	8,831,443	4,597,839	4,233,604	47.9%
ADMINISTRATIVE SERVICES					
ADMINISTRATION	784,107	807,692	412,180	395,512	49.0%
FINANCE	5,323,368	5,726,992	2,817,345	2,909,647	50.8%
HUMAN RESOURCES	5,029,995	5,238,274	2,384,555	2,853,719	54.5%
INNOVATION & ECONOMIC DEVELOPMENT	2,608,489	2,812,757	1,460,231	1,352,526	48.1%
TOTAL ADMINISTRATIVE SERVICES	13,745,959	14,585,715	7,074,311	7,511,404	51.5%
PUBLIC SAFETY					
POLICE	55,615,155	60,559,650	32,960,048	27,599,602	45.6%
FIRE	37,882,886	41,689,777	23,797,948	17,891,829	42.9%
TOTAL PUBLIC SAFETY	93,498,041	102,249,427	56,757,996	45,491,431	44.5%
COMMUNITY SERVICES					
COMMUNITY SERVICES ADMINISTRATION	585,411	733,802	455,329	278,473	37.9%
COMMUNITY DEVELOPMENT	11,012,958	13,516,576	7,151,213	6,365,363	47.1%
HOUSING & HOMELESS SERVICES	2,765,195	3,219,743	1,928,073	1,291,670	40.1%
LIBRARY & CULTURAL ARTS	13,637,285	14,157,554	6,952,716	7,204,838	50.9%
PARKS & RECREATION	21,055,565	22,052,001	12,698,871	9,353,130	42.4%
TOTAL COMMUNITY SERVICES	49,056,414	53,679,676	29,186,202	24,493,474	45.6%
PUBLIC WORKS					
PUBLIC WORKS ADMINISTRATION	1,562,272	1,595,344	753,640	841,704	52.8%
CONSTRUCTION MANAGEMENT & INSPECTIONS	3,257,906	3,341,081	1,642,648	1,698,433	50.8%
ENVIRONMENTAL SUSTAINABILITY	1,178,783	1,580,542	882,041	698,501	44.2%
FACILITIES	7,497,115	8,752,270	5,133,531	3,618,739	41.3%
TRANSPORTATION	9,732,215	10,876,588	5,652,461	5,224,127	48.0%
TOTAL PUBLIC WORKS	23,228,291	26,145,825	14,064,321	12,081,504	46.2%
NON-DEPARTMENTAL & CONTINGENCY					
(d) OTHER NON-DEPARTMENTAL	1,356,700	2,062,990	564,389	1,498,601	72.6%
VILLAGE TRENCHING	5,220,000	5,220,000	0	5,220,000	100.0%
OPERATING TRANSFERS OUT	21,910,000	28,210,000	17,254,998	10,955,002	38.8%
CONTINGENCY	500,000	497,000	0	497,000	100.0%
TOTAL NON-DEPT & CONTINGENCY	28,986,700	35,989,990	17,819,387	18,170,603	50.5%
TOTAL GENERAL FUND	\$216,929,604	\$241,482,076	\$129,500,056	\$111,982,020	46.4%

(a) Working budget includes the adopted budget, open encumbrances from the end of the prior fiscal year,

approved carry forwards of the prior fiscal year and all other mid-year council approvals.

(b) Actual expenditures on a budgetary basis include encumbrances and exclude non-budgeted items.

(c) Amount available would be 45.7% if funds were spent in the same proportion as the previous year.

(d) Other non-departmental includes property tax administration fees, assessment district administration, citywide litigation expenses, and other items not attributed to a specific department.

Council Contingency

The City Council has allocated \$500,000 out of the General Fund budget for unanticipated emergencies or unforeseen program needs. Below is a listing of the City Council's contingency:

CONTINGENCY ACCOUNT USE OF FUNDS	
EXPLANATION	AMOUNT
ADOPTED BUDGET	\$500,000
USES:	
Transfer to City Council travel budget (Resolution 2023-279)	(3,000)
TOTAL USES	(3,000)
AVAILABLE BALANCE	\$497,000

Donations

Carlsbad Municipal Code 2.08.100 authorizes the city manager to accept donations on behalf of the city in an amount or of value of up to \$5,000 per donation. These donations shall be used in accordance with the donor's intent or added to the city's contingency account. Below is a listing of all donations, that have been accepted during fiscal year 2023-24:

Donations Fiscal Year 2023 - 24							
Department	Intention	Qtr. 1	Oct.	Nov.	Dec.	Qtr. 2	Total
Parks & Recreation	Leo Carrillo Ranch Cash Donations	\$3,500	\$3,364	\$209	\$768	\$4,341	\$7,841
Parks & Recreation	Opportunity Grant Donations	2,011	800	857	239	1,896	3,907
Parks & Recreation	Senior Center Cash Donations	629	157	1,176	75	1,408	2,037
Parks & Recreation	Senior Meals Cash Donations	6,399	1,987	3,069	2,110	7,166	13,565
Parks & Recreation	Senior Transportation Cash Donations	403	147	181	133	461	864
Parks & Recreation	Special Events Cash Donations	1,000	0	0	0	0	1,000
Parks & Recreation	Teen Program Cash Donations	1	2	0	0	2	3
Parks & Recreation	Parks Maintenance Cash Donations	1,850	0	0	0	0	1,850
Subtotal - Parks & Recreation		\$15,793	\$6,457	\$5,492	\$3,325	\$15,274	\$31,067
Library & Cultural Arts	Book Purchases	\$0	\$0	\$0	\$100	\$100	\$100
Library & Cultural Arts	Support Library Programs and Services	102	121	3,002	1,264	4,387	4,489
Subtotal - Library & Cultural Arts		\$102	\$121	\$3,002	\$1,364	\$4,487	\$4,589
Fire	Food gifts for crews	\$24	\$0	\$80	\$800	\$880	\$904
Fire	Stuffed animals for ambulances	0	90	0	0	90	90
Subtotal - Fire		\$24	\$90	\$80	\$800	\$970	\$994
Total Donations		\$15,919	\$6,668	\$8,574	\$5,489	\$20,731	\$36,650

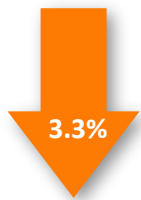
Water Enterprise

WATER OPERATIONS FUND December 31, 2023

	BUDGET FY 2023-24	YTD* 12/31/2022	YTD* 12/31/2023	CHANGE FROM YTD 2022-23 TO YTD 2023-24	PERCENT CHANGE
REVENUES:					
WATER DELIVERY	\$ 41,688,000	\$ 22,032,282	\$ 21,789,600	\$ (242,682)	-1.1%
INTEREST	389,000	242,381	352,792	110,411	45.6%
MISC. SERVICE CHARGES	441,000	160,054	207,295	47,241	29.5%
PROPERTY TAXES	4,729,000	1,975,123	1,288,966	(686,157)	-34.7%
FINES, FORFEITURES & PENALTIES	411,000	195,763	197,671	1,908	1.0%
OTHER REVENUES	491,000	266,560	221,075	(45,485)	-17.1%
TOTAL OPERATING REVENUE	48,149,000	24,872,163	24,057,399	(814,764)	-3.3%
EXPENSES:					
STAFFING	4,782,779	2,254,553	2,303,806	49,253	2.2%
INTERDEPARTMENTAL SERVICES	3,765,584	1,581,586	1,883,304	301,718	19.1%
PURCHASED WATER	30,805,000	13,684,365	15,130,334	1,445,969	10.6%
MWD/CWA FIXED CHARGES	7,550,000	3,395,390	3,398,802	3,413	0.1%
OUTSIDE SERVICES/MAINTENANCE	3,141,059	321,107	275,943	(45,164)	-14.1%
DEPRECIATION/REPLACEMENT	5,000,000	2,499,998	2,489,459	(10,539)	-0.4%
MISCELLANEOUS EXPENSES	986,543	355,556	307,283	(48,273)	-13.6%
CAPITAL OUTLAY	194,302	32,776	60,936	28,160	85.9%
TOTAL OPERATING EXPENSES	56,225,267	24,125,331	25,849,867	1,724,536	7.1%
OPERATING INCOME/(LOSS)	\$ (8,076,267)	\$ 746,832	\$ (1,792,468)	\$ (2,539,300)	-340.0%

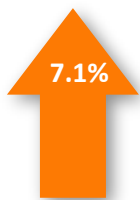
*Adjusted to reflect timing differences for water purchases and depreciation.

Revenues



- Decrease in water operating revenues due to 3.7% decrease in water volume sales, offset by increase in user rates effective January 2023.
- Interest earnings increased due to a 42.4% increase in the yield of the Treasurer's portfolio offset by a 6.1% decrease in the monthly average cash balance.
- The increase in misc. service charges is due to reimbursement for interdepartmental labor charges.
- The decrease in other revenues is from higher revenue in prior year due to a loss recovery.
- The decrease in property taxes is primarily due to an allocation to recycled water starting July 2023 offset by an increase in assessed property values.

Expenses



- The increase in staffing expenses due to negotiated increases in salary.
- Higher interdepartmental expenses resulted from increased personnel related costs, and general liability insurance.
- Purchased water expenses have increased from the prior year due to a 7.8% rate increase in the variable cost of water purchased from the San Diego County Water Authority (SDCWA) offset by a 2.5% decrease in the amount of water purchased.
- Outside services decreased from asphalt repairs in prior year.
- Miscellaneous expense decreased due to reduction in association dues.
- Capital outlay decrease due to additional fleet vehicle purchase in prior year.

Wastewater Enterprise

WASTEWATER OPERATIONS FUND December 31, 2023

	BUDGET FY 2023-24	YTD* 12/31/2022	YTD* 12/31/2023	CHANGE FROM YTD 2022-23 TO YTD 2023-24	PERCENT CHANGE
REVENUES:					
CHARGES FOR CURRENT SERVICES	21,939,000	9,172,435	10,791,754	1,619,319	17.7%
INTEREST	110,000	63,011	132,883	69,872	110.9%
OTHER REVENUES	307,000	153,627	208,495	54,868	35.7%
TOTAL OPERATING REVENUE	22,356,000	9,389,073	11,133,132	1,744,059	18.6%
EXPENSES:					
STAFFING	3,322,088	1,433,599	1,603,116	169,517	11.8%
INTERDEPARTMENTAL SERVICES	1,929,134	756,091	963,710	207,619	27.5%
ENCINA PLANT SERVICES	6,000,000	3,013,640	3,207,535	193,895	6.4%
OUTSIDE SERVICES/MAINTENANCE	1,993,412	190,978	215,609	24,631	12.9%
DEPRECIATION/REPLACEMENT	5,300,000	2,649,998	2,637,480	(12,518)	-0.5%
MISCELLANEOUS EXPENSES	827,614	347,678	308,652	(39,026)	-11.2%
CAPITAL OUTLAY	24,651	0	572	572	100.0%
TOTAL OPERATING EXPENSES	19,396,899	8,391,984	8,936,674	544,690	6.5%
OPERATING INCOME/LOSS	2,959,101	997,089	2,196,458	1,199,369	120.3%

* Adjusted to reflect timing differences for Encina quarterly invoices and depreciation.

Revenues



- Charges for current services are higher than in the prior year due primarily to a 20% rate increase that went into effect in January 2023.
- Interest earnings increased due to a 42.4% increase in the yield of the Treasurer's portfolio combined with a 32.9% increase in the monthly average cash balance.
- The increase in other revenues reimbursement for interdepartmental labor charges.

Expenses



- The increase in staffing expenses is driven by negotiated salary increases.
- Higher interdepartmental expenses resulted from increased personnel related costs, and general liability insurance.
- Lower miscellaneous expenses from purchase of parts.

Golf Course Enterprise

GOLF COURSE FUND December 31, 2023

	BUDGET FY 2023-24	YTD 12/31/2022	YTD 12/31/2023	CHANGE FROM YTD 2022-23 TO YTD 2023-24	PERCENT CHANGE
REVENUES:					
GOLF COURSE	5,271,000	2,919,491	2,912,020	(7,471)	-0.3%
FOOD & BEVERAGE	4,025,000	197,309	228,971	31,662	16.0%
PRO SHOP	434,000	145,463	248,515	103,052	70.8%
PRACTICE CENTER	355,000	2,602,290	2,527,147	(75,143)	-2.9%
OTHER REVENUES	164,500	212,594	385,575	172,982	81.4%
TOTAL OPERATING REVENUE	10,249,500	6,077,147	6,302,228	225,082	3.7%
EXPENSES:					
GENERAL & ADMINISTRATIVE	5,801,000	2,661,986	2,985,422	323,436	12.2%
COURSE & GROUNDS	1,311,000	690,750	640,035	(50,715)	-7.3%
FOOD & BEVERAGE	348,000	181,701	187,125	5,424	3.0%
PRO SHOP	97,000	50,984	37,881	(13,103)	-25.7%
COST OF SALES	1,207,000	672,363	687,424	15,061	2.2%
DEPRECIATION/REPLACEMENT	750,000	1,700,002	375,000	(1,325,002)	-77.9%
MISCELLANEOUS EXPENSES	347,040	27,181	90,130	62,950	231.6%
CAPITAL OUTLAY	1,092,226	329,452	554,418	224,966	68.3%
TOTAL OPERATING EXPENSES	10,953,266	6,314,419	5,557,435	(756,983)	-12.0%
OPERATING INCOME/(LOSS)	(703,766)	(237,272)	744,793	982,065	-413.9%

Revenues



- Primary operating revenues at the golf course have remained relatively consistent year over year. Slight decrease in demand offset by increase in rates.
- Other revenues increased notably over the prior period due to timing adjustments related to interest earnings on cash and investments on hand.

Expenses



- General & Administrative costs increased over the prior period as a result of cost of living increases and lingering inflation.
- This increase was absorbed by prudent operational spend over grounds maintenance and the pro shop.
- Depreciation has decreased by 78% when compared to the prior year. This is due to the fact that the original course land improvements are now fully depreciated.
- Miscellaneous expenses appears to have increased; however, the prior period experienced a one-time accounting adjustment for legal expenses that reduced the bottom line expense total.
- Capital outlay higher from additional replacements of mower and carts.



CITY COUNCIL Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Nathan Schmidt, Transportation Planning and Mobility Manager
nathan.schmidt@carlsbadca.gov, 442-339-2734

Subject: Acceptance of Proposals and Award of Agreement to Chen Ryan Associates, Inc., dba CR Associates, for Tamarack Avenue Complete Streets Services

Districts: 1, 2

Recommended Action

Adopt a resolution accepting proposals and awarding an agreement to Chen Ryan Associates, Inc., dba CR Associates, to provide transportation planning, engineering design and environmental assessment services for the Tamarack Avenue Complete Streets Plan for an amount not to exceed \$283,241.

Executive Summary

Reconfiguring city streets so people can get around Carlsbad as easily and safely as possible is one of the key priorities in the city's General Plan. The City Council approved this plan in 2015 based on the Carlsbad Community Vision, a set of nine core values established to help retain what makes Carlsbad special, including the city's small-town beach community character and connectedness, and a commitment to environmental sustainability.

Since that time, the city's Transportation Department has made measurable progress on this goal, which took on new urgency following the city's proclamation of a local emergency on traffic safety in August 2022. Due to community concerns and the traffic safety emergency, some street improvements have already been made to Tamarack Avenue. However, these have been focused on individual intersections and street segments and mostly use short-term fixes. The Tamarack Avenue Complete Streets Plan will take a holistic approach to design and enable the community to participate in the design of a long-term plan for Tamarack Avenue.

Staff are seeking the City Council's approval of an agreement with a professional engineering firm, Chen Ryan Associates, Inc., dba CR Associates, for an amount not to exceed \$283,241, to redesign Tamarack Avenue from Carlsbad Village Drive to Carlsbad Boulevard, as shown in Exhibit 2, according to the specifications in the city's General Plan. The General Plan calls for street designs that encourage slower speeds while making walking and biking more inviting.

This approach to street design, called “complete streets,” is a best practice for cities today and required by a state law passed in 2008.

The City Council’s approval is required under Carlsbad Municipal Code Section 3.28.060(D)(5), because the cost of these professional services contracts is over \$100,000 a year.

Explanation & Analysis

Carlsbad, along with other cities in the region and the nation, has hundreds of miles of roadways designed decades ago. At that time, the priority was on wide lanes that enable cars to go fast with little, if any, consideration of the needs of bicyclists, pedestrians, transit users and the environment. Today, streets are designed with features that discourage speeding, which can include narrowing lanes and adding physical features like extended curbs, traffic circles and different types of speed bumps. These features also create more space for sidewalks, bike lanes, parking, buffers to separate these uses and aesthetic features that strengthen community character.

About Tamarack Avenue

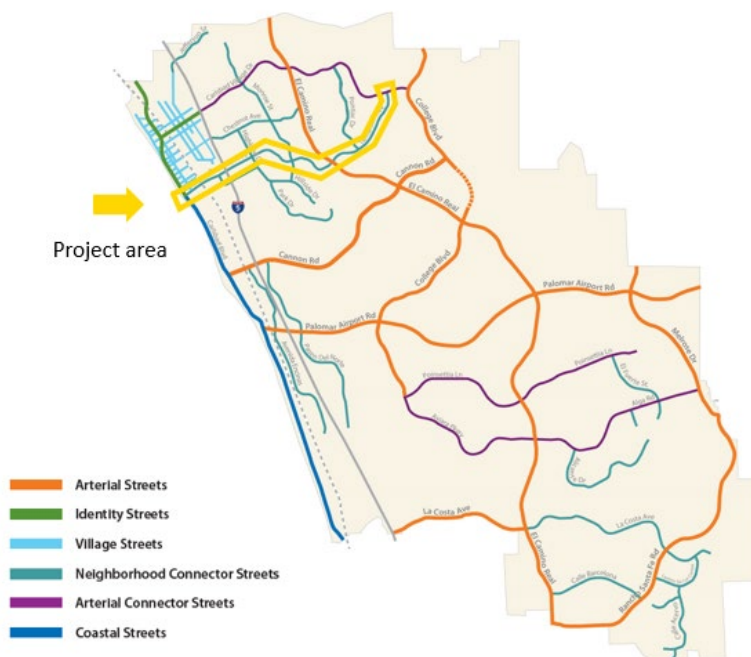
When it comes to street design, the city’s General Plan recognizes that one size does not fit all. Instead, it puts streets into categories based on their locations and how they are used. For example, major streets like El Camino Real are to give a higher priority to cars, while neighborhood streets should be focused on slowing speeds and making walking and biking more inviting.

Tamarack Avenue is classified as a neighborhood connector street, a street to connect different neighborhoods to each other, local services and other destinations. Under the General Plan, the design of neighborhood connector streets should balance the needs of cars, cyclists and pedestrians.

Current conditions and recent improvements

Some parts of Tamarack Avenue have houses with driveways, while others feature long stretches with no homes and few cross streets. Tamarack Avenue leads directly to the beach, and a total of five schools are either directly adjacent to Tamarack Avenue or within a block’s distance. Tamarack Avenue is also a main route for emergency vehicles transporting trauma patients to hospitals south of Carlsbad via Interstate 5.

Since the 2015 adoption of the city’s General Plan, staff have already completed several street improvements along Tamarack Avenue, including:



2016 Tamarack-Valley Street crosswalk with flashing lights

Based on concerns from the Valley Middle School and Magnolia Elementary School communities and surrounding neighborhoods, the city deployed additional traffic enforcement patrols and studied options to enhance the intersection of Tamarack Avenue and Valley Street. At that time, the intersection had traditional school crosswalks.

Based on a traffic analysis, the nearby stop sign at Tamarack Avenue and Park Drive and the “T” shaped intersection at Tamarack Avenue and Valley Street, the existing crosswalk was enhanced with a rectangular rapid flashing beacon system in 2016 to enhance pedestrian safety by alerting drivers when someone wanted to cross the roadway.

- In 2018, adult crossing guards were implemented at the intersection to guide school-age pedestrians across Tamarack Avenue at Valley Street.
- In 2019, speed feedback signs were installed on Tamarack Avenue near Valley Street to educate drivers and help reduce vehicle speeds.

2022 Tamarack-Valley pedestrian signal installed

The city continued to hear concerns about the safety of the Tamarack Avenue and Valley Street intersection, with many residents asking the city again to install stop signs. The city’s Traffic & Mobility Commission voted against the use of stop signs in 2019 because Tamarack did not meet the requirements to justify stop signs, and asked staff to explore other alternatives.

Staff recommended a new type of traffic signal made specifically for pedestrians. Similar to the flashing rectangular rapid flashing beacon lights, the signal would allow pedestrians to push a button when they were ready to cross. But instead of simply warning vehicles using flashing lights, the new pedestrian hybrid beacon signal would give a solid red indication, requiring all vehicles to stop. The advantage of this signal is that it addressed concerns about safety during peak school hours while letting traffic flow freely during other times of day. This was the first signal of this type to be installed in the city.

The Traffic & Mobility Commission asked staff to study the intersection after the signal had been in place for six months and report back on the results. Staff completed this analysis and presented the findings to the commission on April 3, 2023. The analysis found the following:

- Vehicle speeds had been reduced since the installation of the signal
- No injury collisions at the intersection had been reported since the signal was activated
- 86% of drivers were using the signal correctly on weekdays (73% on weekends), and 90% of pedestrians were using the signal

¹ The Traffic & Mobility Commission was renamed the Traffic Safety & Mobility Commission in 2023.

2023 Adams to Skyline short-term speed reduction measures

In late 2022, neighbors along Tamarack Avenue between Adams Street and Skyline Drive expressed concerns about speeding and safety. A project to redesign Tamarack Avenue (the subject of this report) had already been added to the city's schedule of upcoming projects, but would take several years to complete.

The City Council directed staff to work with the community on potential solutions that could be implemented more quickly with minimal investment to address neighbor concerns in the interim. During the public meetings on this short-term speed reduction project, staff explained that the forthcoming Tamarack Avenue Complete Streets Plan would include a comprehensive complete streets study of Tamarack Avenue from Carlsbad Boulevard to Carlsbad Village Drive.

In 2023, the city completed these interim measures, under the traffic safety emergency that had been proclaimed citywide. These measures included speed tables and raised crosswalks with flashing lights

2023 Carlsbad Village Drive to Carlsbad Boulevard restriping

One of several projects approved by the City Council in September 2022 as part of the city's comprehensive Safer Streets Together plan was to change the striping on major east-west corridors after they were resurfaced. The new striping would narrow lanes to slow down drivers while providing more room and buffers for cyclists and pedestrians. Tamarack Avenue was one of those streets. This work is complete, aside from additional striping improvements in the Caltrans right of way.

Other projects and programs affecting Tamarack Avenue

Hope Elementary School, located along Tamarack Avenue, recently participated in a pilot program for the city's Safe Routes to School program. City staff have since initiated outreach and planning for Safe Routes to Schools at Jefferson Elementary within a block of Tamarack Avenue.

The city is also finalizing designs for improvements to the intersection of Tamarack Avenue and Carlsbad Boulevard, similar to what is planned at Carlsbad Boulevard and Cannon Road, which includes a roundabout. These improvements follow the General Plan's policies on complete streets.

Tamarack Avenue Complete Streets Plan

The recent improvements to Tamarack Avenue have reduced speeding and created more space for walking and biking. The city is now ready to proceed with a more permanent change to the character of the roadway.

The city's Sustainable Mobility Plan, approved by the City Council in January 2021, outlines how the major transportation and mobility policies in the city's General Plan will be achieved through specific projects and programs. Tamarack Avenue is identified in the plan as one of several "transformative corridors" that will provide a multimodal backbone network of high-quality bikeways, walking paths and transit services.

The Tamarack Avenue Complete Streets Plan will differ from recent street improvements in a few important ways:

- Tamarack Avenue will be considered holistically rather than focusing on certain intersections and small segments
- Physical improvements will more effective than the interim measures in influencing safe behaviors by all road users
- The community will have an opportunity to participate in the design process from the very beginning

Community engagement process

A community engagement process led by city staff will provide several opportunities for the public to participate in the planning process, coinciding with the project's technical milestones:

Identify needs, concerns and priorities

While the technical team is completing studies and other analyses that will inform design options, city staff will seek input from the community on its needs, concerns and priorities for Tamarack Avenue. Staff will hold a community meeting and invite feedback through its online engagement portal. This feedback will be summarized and provided to the project team so it can be used to develop the proposed designs.

Get feedback on proposed designs

When the proposed designs are ready, city staff will share them with the community along with an explanation of how community feedback was used. Staff will then hold a community meeting to get feedback on the designs and provide an online opportunity for feedback.

Final review

The project team will use the feedback to refine and complete the "20% design" for this project. This level of design specifies what changes will be made where, but it will not include the detailed designs needed for construction.

At this stage of the project, city staff will share the final designs with the community along with a summary of how public input was used. Community members will be invited to provide feedback in three ways:

- Directly to the project team
- At the Traffic Safety & Mobility Commission meeting, when the design is considered for a recommendation to the City Council
- At the Planning Commission meeting, when the coastal development permit is considered

Community input gathered at each of these three phases will be provided to the City Council when it considers final approval of the design.

Engineering design bidding process

Staff conducted a bidding process for this agreement that included the following:

- Posted a request for proposals for the project on Sept. 18, 2023
- Received three proposals on Oct. 18, 2023
- Evaluated and ranked the proposals based on best-value criteria, in keeping with Carlsbad Municipal Code Section– 3.28.060 - Procurement of professional services and services

The selection panel ranked Chen Ryan Associates, Inc., dba CR Associates, as the most qualified firm and negotiated a scope of work with an associated fee not to exceed \$283,241. The contract and scope of work, included as Exhibit 1, Attachment A, specifies the tasks to be completed and project schedule. The contract term is two years, which staff believe is sufficient to complete the scope of work. However, the City Manager may amend the agreement to extend the term for up to one additional one-year period as needed.

Fiscal Analysis

Sufficient funding is available in the Capital Improvement Program Project No. 6104 - Sustainable Mobility Plan Implementation Program - budget to develop the 20% conceptual level designs for this project.

The potential engineering design, permitting and construction costs for the project are still undetermined and could vary significantly depending on the proposed recommendations. To ensure efficient use of public funds and to maximize community benefit, staff will consider a phased implementation strategy. This approach will allow for implementation of lower costs improvements that provide significant benefit first until additional funding sources can be identified for the full project buildout.

Options

Staff recommend adopting a resolution accepting proposals and awarding an agreement to Chen Ryan Associates, Inc., dba CR Associates, to provide transportation planning, engineering design and environmental assessment services for the Tamarack Avenue Complete Streets Plan in an amount not to exceed \$283,241.

- This action will allow the city to continue the transformation of local streets to meet the policy goals in the city's General Plan
- The project will add lasting features to Tamarack Avenue that encourage safer behaviors among all road users
- The project will provide an opportunity for the community to weigh in on the future design of Tamarack Avenue, including whether recent improvements should stay as is or be changed

As an alternative, the City Council could decide not to proceed with this project at this time.

- Interim measures have improved conditions on Tamarack Avenue
- This action would allow funding for this project to be redirected to other city priorities
- If the City Council decides to revisit the project later, staff may need to put it out to bid again, which requires additional time and additional support from staff
- Neighbors who would like to explore alternatives to the Tamarack-Valley pedestrian signal and other complete streets improvements may be disappointed

Next Steps

If the agreement is approved by the City Council, staff will proceed with the project according to the following estimated timeline:

Spring 2024	Project kick off, data collection, first round of public input Create initial designs
Summer 2024	Present design options to the community for feedback
Fall 2024	Refine designs based on feedback and develop a 20% design Present to the community, Traffic Safety & Mobility Commission and Planning Commission
Spring 2025	Present 20% design to the City Council for approval
2025+	Determine funding strategy for final design plans and construction, which could include seeking grants

Environmental Evaluation

In accordance with Public Resources Code Section 21065, the action to award a professional services agreement for transportation planning, engineering design and environmental assessment services does not constitute a project within the meaning of the California Environmental Quality Act in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review. The work to develop plans and present conceptual design for consideration by the City Council does not have a legally binding effect on future discretionary actions to approve the project. Public input received and technical information prepared will be used during the planning and environmental evaluation process.

Exhibits

1. City Council resolution
2. Location map

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACCEPTING PROPOSALS AND AWARDING AN AGREEMENT TO CHEN RYAN ASSOCIATES, INC., DBA CR ASSOCIATES, TO PROVIDE TRANSPORTATION PLANNING, ENGINEERING DESIGN AND ENVIRONMENTAL ASSESSMENT SERVICES FOR THE TAMARACK AVENUE COMPLETE STREETS PLAN FOR AN AMOUNT NOT TO EXCEED \$283,241

WHEREAS, the City Council of the City of Carlsbad, California has determined it necessary, desirable and in the public interest to develop a Tamarack Avenue Complete Streets Plan, or Project; and

WHEREAS, on Sept. 18, 2023, staff posted a Request for Proposals for the Project; and

WHEREAS, on Oct. 18, 2023, staff received three proposals to help develop the Project; and

WHEREAS, during the review of the proposals, based on best-value criteria consistent with Carlsbad Municipal Code Section 3.28.060, staff ranked Chen Ryan Associates, Inc., dba CR Associates, as the most qualified consultant for the Project; and

WHEREAS, staff and Chen Ryan Associates, inc., dba CR Associates, negotiated the scope of work and associated fee in an amount not to exceed \$283,241 to provide professional transportation planning, engineering design and environmental assessment services for the Project over an initial two-year term with one additional one-year extension as authorized by the City Manager; and

WHEREAS, sufficient funding is available in the Capital Improvement Program Project No. 6104, Sustainable Mobility Plan Implementation Program, budget to develop the 20% conceptual level designs for this Project; and

WHEREAS, Carlsbad Municipal Code Section 3.28.060(D)(5) requires the City Council to award procurement of services and professional services for which the value exceeds \$100,000; and

WHEREAS, the City Planner has determined that in accordance with Public Resources Code Section 21065, the action to award a professional services agreement for transportation planning, engineering design and environmental assessment services does not constitute a “project” within the meaning of the California Environmental Quality Act in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and therefore does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the best-value proposal of \$283,241 submitted by Chen Ryan Associates, Inc., dba CR Associates, for the Tamarack Avenue Complete Streets Plan is accepted, and the Mayor is authorized and directed to execute the Agreement (Attachment A).
3. That the City Manager is authorized to amend the Agreement to extend the term for one (1) additional one (1) year period or parts thereof.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the ___ day of _____, 2024, by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)

**AGREEMENT FOR TAMARACK AVENUE COMPLETE STREETS SERVICES
CHEN RYAN ASSOCIATES, INC. dba CR ASSOCIATES**

THIS AGREEMENT is made and entered into as of the _____ day of _____, 2024, by and between the City of Carlsbad, California, a municipal corporation ("City") and Chen Ryan Associates, Inc., a California Corporation, dba CR Associates ("Contractor").

RECITALS

- A. City requires the professional services of a consultant that is experienced in complete streets planning and design.
- B. Contractor has the necessary experience in providing professional services and advice related to complete streets planning and design.
- C. Contractor has submitted a proposal to City under Request for Proposals No. RFP24-2306TRAN and has affirmed its willingness and ability to perform such work.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, City and Contractor agree as follows:

1. SCOPE OF WORK

City retains Contractor to perform, and Contractor agrees to render, those services (the "Services") that are defined in attached Exhibit "A", which is incorporated by this reference in accordance with this Agreement's terms and conditions.

2. STANDARD OF PERFORMANCE

While performing the Services, Contractor will exercise the reasonable professional care and skill customarily exercised by reputable members of Contractor's profession practicing in the Metropolitan Southern California area and will use reasonable diligence and best judgment while exercising its professional skill and expertise.

3. TERM

The term of this Agreement will be effective for a period of two (2) years from the date first above written. The City Manager may extend it for a one (1) additional year period or parts thereof. Extensions will be based upon a satisfactory review of Contractor's performance, City needs, and appropriation of funds by the City Council. The parties will prepare a written amendment indicating the effective date and length of the extended Agreement.

4. TIME IS OF THE ESSENCE

Time is of the essence for each and every provision of this Agreement.

5. COMPENSATION

The total fee payable for the Services to be performed during the initial Agreement term shall not exceed two hundred eighty three thousand two hundred forty one dollars (\$283,241). No other compensation for the Services will be allowed except for items covered by subsequent amendments to this Agreement. The City reserves the right to withhold a ten percent (10%) retention until City has accepted the work and/or Services specified in Exhibit "A".

Incremental payments, if applicable, should be made as outlined in attached Exhibit "A".

6. CONSTRUCTION MANAGEMENT SOFTWARE

Procore Project Management and Collaboration System. This project may utilize the Owner's Procore (www.procore.com) online project management and document control platform. The intent of utilizing Procore is to reduce cost and schedule risk, improve quality and safety, and maintain a healthy team dynamic by improving information flow, reducing non-productive activities, reducing rework and decreasing turnaround times. The Contractor is required to create a free web-based Procore user account(s) and utilize web-based training / tutorials (as needed) to become familiar with the system. Unless the Engineer approves otherwise, the Contractor shall process all project documents through Procore because this platform will be used to submit, track, distribute and collaborate on project. If unfamiliar or not otherwise trained with Procore, Contractor and applicable team members shall complete a free training certification course located at <http://learn.procore.com/procore-certification-subcontractor>. The Contractor is responsible for attaining their own Procore support, as needed, either through the online training or reaching out to the Procore support team. It will be the responsibility of the Contractor to regularly check Procore and review updated documents as they are added. There will be no cost to the Contractor for use of Procore.

It is recommended that the Contractor provide mobile access for Windows, iOS located at <https://apps.apple.com/us/app/procore-construction-management/id374930542> or Android devices located at <https://play.google.com/store/apps/details?id=com.procore.activities> with the Procore App installed to at least one on-site individual to provide real-time access to current posted drawings, specifications, RFIs, submittals, schedules, change orders, project documents, as well as any deficient observations or punch list items. Providing mobile access will improve communication, efficiency, and productivity for all parties. The use of Procore for project management does not relieve the contractor of any other requirements as may be specified in the contract documents.

7. STATUS OF CONTRACTOR

Contractor will perform the Services in Contractor's own way as an independent contractor and in pursuit of Contractor's independent calling, and not as an employee of City. Contractor will be under control of City only as to the result to be accomplished but will consult with City as necessary. The persons used by Contractor to provide services under this Agreement will not be considered employees of City for any purposes.

The payment made to Contractor pursuant to the Agreement will be the full and complete compensation to which Contractor is entitled. City will not make any federal or state tax withholdings on behalf of Contractor or its agents, employees or subcontractors. City will not be required to pay any workers' compensation insurance or unemployment contributions on behalf of Contractor or its employees or subcontractors. Contractor agrees to indemnify City within thirty (30) days for any tax, retirement contribution, social security, overtime payment, unemployment payment or workers' compensation payment which City may be required to make on behalf of Contractor or any agent, employee, or subcontractor of Contractor for work done under this Agreement. At the City's election, City may deduct the indemnification amount from any balance owing to Contractor.

8. SUBCONTRACTING

Contractor will not subcontract any portion of the Services without prior written approval of City. If Contractor subcontracts any of the Services, Contractor will be fully responsible to City for the acts and omissions of Contractor's subcontractor and of the persons either directly or indirectly employed by the

subcontractor, as Contractor is for the acts and omissions of persons directly employed by Contractor. Nothing contained in this Agreement will create any contractual relationship between any subcontractor of Contractor and City. Contractor will be responsible for payment of subcontractors. Contractor will bind every subcontractor and every subcontractor of a subcontractor by the terms of this Agreement applicable to Contractor's work unless specifically noted to the contrary in the subcontract and approved in writing by City.

9. OTHER CONTRACTORS

The City reserves the right to employ other Contractors in connection with the Services.

10. INDEMNIFICATION

Contractor agrees to defend (with counsel approved by the City), indemnify, and hold harmless the City and its officers, elected and appointed officials, employees and volunteers from and against all claims, damages, losses and expenses including attorneys' fees arising out of the performance of the work described herein caused by any negligence, recklessness, or willful misconduct of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

The parties expressly agree that any payment, attorney's fee, costs or expense City incurs or makes to or on behalf of an injured employee under the City's self-administered workers' compensation is included as a loss, expense or cost for the purposes of this section, and that this section will survive the expiration or early termination of this Agreement.

11. INSURANCE

Contractor will obtain and maintain for the duration of the Agreement and any and all amendments, insurance against claims for injuries to persons or damage to property which may arise out of or in connection with performance of the services by Contractor or Contractor's agents, representatives, employees or subcontractors. The insurance will be obtained from an insurance carrier admitted and authorized to do business in the State of California. The insurance carrier is required to have a current Best's Key Rating of not less than "A-:VII"; **OR** with a surplus line insurer on the State of California's List of Approved Surplus Line Insurers (LASLI) with a rating in the latest Best's Key Rating Guide of at least "A:X"; **OR** an alien non-admitted insurer listed by the National Association of Insurance Commissioners (NAIC) latest quarterly listings report.

11.1 Coverages and Limits. Contractor will maintain the types of coverages and minimum limits indicated below, unless Risk Manager or City Manager approves a lower amount. These minimum amounts of coverage will not constitute any limitations or cap on Contractor's indemnification obligations under this Agreement. City, its officers, agents and employees make no representation that the limits of the insurance specified to be carried by Contractor pursuant to this Agreement are adequate to protect Contractor. If Contractor believes that any required insurance coverage is inadequate, Contractor will obtain such additional insurance coverage, as Contractor deems adequate, at Contractor's sole expense. The full limits available to the named insured shall also be available and applicable to the City as an additional insured.

11.1.1 Commercial General Liability (CGL) Insurance. Insurance written on an "occurrence" basis, including personal & advertising injury, with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

11.1.2 Automobile Liability. (if the use of an automobile is involved for Contractor's work for City). \$2,000,000 combined single-limit per accident for bodily injury and property damage.

11.1.3 Workers' Compensation and Employer's Liability. Workers' Compensation limits as required by the California Labor Code. Workers' Compensation will not be required if Contractor has no employees and provides, to City's satisfaction, a declaration stating this.

11.1.4 Professional Liability. Errors and omissions liability appropriate to Contractor's profession with limits of not less than \$1,000,000 per claim. Coverage must be maintained for a period of five years following the date of completion of the work.

11.2 Additional Provisions. Contractor will ensure that the policies of insurance required under this Agreement contain, or are endorsed to contain, the following provisions:

11.2.1 The City will be named as an additional insured on Commercial General Liability which shall provide primary coverage to the City.

11.2.2 Contractor will obtain occurrence coverage, excluding Professional Liability, which will be written as claims-made coverage.

11.2.3 This insurance will be in force during the life of the Agreement and any extensions of it and will not be canceled without thirty (30) days prior written notice to City sent by certified mail pursuant to the Notice provisions of this Agreement.

11.3 Providing Certificates of Insurance and Endorsements. Prior to City's execution of this Agreement, Contractor will furnish certificates of insurance and endorsements to City.

11.4 Failure to Maintain Coverage. If Contractor fails to maintain any of these insurance coverages, then City will have the option to declare Contractor in breach or may purchase replacement insurance or pay the premiums that are due on existing policies in order to maintain the required coverages. Contractor is responsible for any payments made by City to obtain or maintain insurance and City may collect these payments from Contractor or deduct the amount paid from any sums due Contractor under this Agreement.

11.5 Submission of Insurance Policies. City reserves the right to require, at any time, complete and certified copies of any or all required insurance policies and endorsements.

12. BUSINESS LICENSE

Contractor will obtain and maintain a City of Carlsbad Business License for the term of the Agreement, as may be amended from time-to-time.

13. ACCOUNTING RECORDS

Contractor will maintain complete and accurate records with respect to costs incurred under this Agreement. All records will be clearly identifiable. Contractor will allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of records and any other documents created pursuant to this Agreement. Contractor will allow inspection of all work, data,

documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

14. **OWNERSHIP OF DOCUMENTS**

All work product produced by Contractor or its agents, employees, and subcontractors pursuant to this Agreement is the property of City. In the event this Agreement is terminated, all work product produced by Contractor or its agents, employees and subcontractors pursuant to this Agreement will be delivered at once to City. Contractor will have the right to make one (1) copy of the work product for Contractor’s records.

15. **COPYRIGHTS**

Contractor agrees that all copyrights that arise from the services will be vested in City and Contractor relinquishes all claims to the copyrights in favor of City.

16. **NOTICES**

The name of the persons who are authorized to give written notice or to receive written notice on behalf of City and on behalf of Contractor under this Agreement are:

<u>For City</u>		<u>For Contractor</u>	
Name	<u>Nathan Schmidt</u>	Name	<u>Andrew Prescott</u>
Title	<u>Transportation Planning & Mobility Manager</u>	Title	<u>Transportation Planner</u>
Department	<u>Public Works</u>	Address	<u>3900 Fifth Ave., Ste 310</u>
	<u>City of Carlsbad</u>		<u>San Diego, CA 92103</u>
Address	<u>1635 Faraday Ave</u>	Phone No.	<u>760.822.1780</u>
	<u>Carlsbad, CA 92008</u>	Email	<u>aprescott@cramobility.com</u>
Phone No.	<u>442-339-2734</u>		

Each party will notify the other immediately of any changes of address that would require any notice or delivery to be directed to another address.

17. **CONFLICT OF INTEREST**

Contractor shall file a Conflict of Interest Statement with the City Clerk in accordance with the requirements of the City of Carlsbad Conflict of Interest Code. The Contractor shall report investments or interests as required in the City of Carlsbad Conflict of Interest Code.

Yes ☐ No ☒

18. **GENERAL COMPLIANCE WITH LAWS**

Contractor will keep fully informed of federal, state and local laws and ordinances and regulations which in any manner affect those employed by Contractor, or in any way affect the performance of the Services by Contractor. Contractor will at all times observe and comply with these laws, ordinances, and regulations and will be responsible for the compliance of Contractor's services with all applicable laws, ordinances and regulations.

Contractor will be aware of the requirements of the Immigration Reform and Control Act of 1986 and will comply with those requirements, including, but not limited to, verifying the eligibility for employment of all agents, employees, subcontractors and consultants whose services are required by this Agreement.

19. CALIFORNIA AIR RESOURCES BOARD (CARB) ADVANCED CLEAN FLEETS REGULATIONS

Contractor's vehicles with a gross vehicle weight rating greater than 8,500 lbs. and light-duty package delivery vehicles operated in California may be subject to the California Air Resources Board (CARB) Advanced Clean Fleets regulations. Such vehicles may therefore be subject to requirements to reduce emissions of air pollutants. For more information, please visit the CARB Advanced Clean Fleets webpage at <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.

20. DISCRIMINATION AND HARASSMENT PROHIBITED

Contractor will comply with all applicable local, state and federal laws and regulations prohibiting discrimination and harassment.

21. DISPUTE RESOLUTION

If a dispute should arise regarding the performance of the Services the following procedure will be used to resolve any questions of fact or interpretation not otherwise settled by agreement between the parties. Representatives of Contractor or City will reduce such questions, and their respective views, to writing. A copy of such documented dispute will be forwarded to both parties involved along with recommended methods of resolution, which would be of benefit to both parties. The representative receiving the letter will reply to the letter along with a recommended method of resolution within ten (10) business days. If the resolution thus obtained is unsatisfactory to the aggrieved party, a letter outlining the disputes will be forwarded to the City Manager. The City Manager will consider the facts and solutions recommended by each party and may then opt to direct a solution to the problem. In such cases, the action of the City Manager will be binding upon the parties involved, although nothing in this procedure will prohibit the parties from seeking remedies available to them at law.

22. TERMINATION

In the event of the Contractor's failure to prosecute, deliver, or perform the Services, City may terminate this Agreement for nonperformance by notifying Contractor by certified mail of the termination. If City decides to abandon or indefinitely postpone the work or services contemplated by this Agreement, City may terminate this Agreement upon written notice to Contractor. Upon notification of termination, Contractor has five (5) business days to deliver any documents owned by City and all work in progress to City address contained in this Agreement. City will make a determination of fact based upon the work product delivered to City and of the percentage of work that Contractor has performed which is usable and of worth to City in having the Agreement completed. Based upon that finding City will determine the final payment of the Agreement.

City may terminate this Agreement by tendering thirty (30) days written notice to Contractor. Contractor may terminate this Agreement by tendering thirty (30) days written notice to City. In the event of termination of this Agreement by either party and upon request of City, Contractor will assemble the work product and put it in order for proper filing and closing and deliver it to City. Contractor will be paid for work performed to the termination date; however, the total will not exceed the lump sum fee payable under this Agreement. City will make the final determination as to the portions of tasks completed and the compensation to be made.

23. COVENANTS AGAINST CONTINGENT FEES

Contractor warrants that Contractor has not employed or retained any company or person, other than a bona fide employee working for Contractor, to solicit or secure this Agreement, and that Contractor has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon, or resulting from, the award or making of this Agreement. For breach or violation of this warranty, City will have the right to annul this Agreement without liability, or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of the fee, commission, percentage, brokerage fees, gift, or contingent fee.

24. CLAIMS AND LAWSUITS

By signing this Agreement, Contractor agrees that any Agreement claim submitted to City must be asserted as part of the Agreement process as set forth in this Agreement and not in anticipation of litigation or in conjunction with litigation. Contractor acknowledges that if a false claim is submitted to City, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that California Government Code sections 12650 *et seq.*, the False Claims Act applies to this Agreement and, provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of information. If City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorney's fees. Contractor acknowledges that the filing of a false claim may subject Contractor to an administrative debarment proceeding as the result of which Contractor may be prevented to act as a Contractor on any public work or improvement for a period of up to five (5) years. Contractor acknowledges debarment by another jurisdiction is grounds for City to terminate this Agreement.

25. JURISDICTION AND VENUE

Any action at law or in equity brought by either of the parties for the purpose of enforcing a right or rights provided for by this Agreement will be tried in a court of competent jurisdiction in the County of San Diego, State of California, and the parties waive all provisions of law providing for a change of venue in these proceedings to any other county.

26. SUCCESSORS AND ASSIGNS

It is mutually understood and agreed that this Agreement will be binding upon City and Contractor and their respective successors. Neither this Agreement nor any part of it nor any monies due or to become due under it may be assigned by Contractor without the prior consent of City, which shall not be unreasonably withheld.

27. ENTIRE AGREEMENT

This Agreement, together with any other written document referred to or contemplated by it, along with the purchase order for this Agreement and its provisions, embody the entire Agreement and understanding between the parties relating to the subject matter of it. In case of conflict, the terms of the Agreement supersede the purchase order. Neither this Agreement nor any of its provisions may be amended, modified, waived or discharged except in a writing signed by both parties. This Agreement may be executed in counterparts.

28. AUTHORITY

The individuals executing this Agreement and the instruments referenced in it on behalf of Contractor each represent and warrant that they have the legal power, right and actual authority to bind Contractor to the terms and conditions of this Agreement.

Executed by Contractor this 17th day of January, 2024.

CONTRACTOR
CHEN RYAN ASSOCIATES, INC., dba CR
Associates, a California corporation

CITY OF CARLSBAD, a municipal corporation of
the State of California

By:

Monique Chen

(sign here)

By:

KEITH BLACKBURN, Mayor

Monique Chen, President & CFO
(print name/title)

ATTEST:

SHERRY FREISINGER, City Clerk

By:

(sign here)

By:

Deputy City Clerk

(print name/title)

If required by City, proper notarial acknowledgment of execution by contractor must be attached. If a corporation, Agreement must be signed by one corporate officer from each of the following two groups.

Group A

Chairman,
President, **or**
Vice-President

Group B

Secretary,
Assistant Secretary,
CFO **or** Assistant Treasurer

Otherwise, the corporation **must** attach a resolution certified by the secretary or assistant secretary under corporate seal empowering the officer(s) signing to bind the corporation.

APPROVED AS TO FORM:

CINDIE K. McMAHON, City Attorney

BY:

Gina Herrera

ASSISTANT CITY ATTORNEY

EXHIBIT A

SCOPE OF SERVICES AND FEE



Scope of Work

➤ TASK 1: PROJECT MANAGEMENT

KICK-OFF MEETING

CRA will organize a kick-off meeting with consultant task leads and City staff. The meeting will serve to review the scope of work and discuss expectations. The six-month project schedule and thorough public outreach process necessitates the collective project team (City and consultant) to mobilize quickly and progress efficiently. Upon receipt of a Notice to Proceed, CRA task leads will meet internally to develop data requests, discussion items, and questions to step through during the kick-off. This information will be provided to the City in advance of the meeting and largely serve as our agenda. CRA will document meeting decisions and action items following the meeting.

BI-WEEKLY MEETINGS

CRA’s project manager, Andrew Prescott, will virtually meet with the City’s Project Manager bi-weekly to discuss ongoing and upcoming tasks and deliverables. Additional consultant team members will attend the meetings as appropriate. In addition to these regularly scheduled meetings, Andrew will maintain an open line of communication over the course of the project.

INVOICING & PROGRESS REPORTS

CRA will prepare and submit monthly invoices consistent with the City of Carlsbad’s contracting standards and any funding requirements. This may include accompanying progress reports, documenting the progress completed during the respective invoicing period.

TASK 1 DELIVERABLES:

▶ Kick-off meeting agenda and minutes

▶ Bi-weekly meeting agendas and minutes

▶ Monthly invoices and progress reports

➤ TASK 2: BACKGROUND ANALYSIS AND NEEDS ASSESSMENT

DOCUMENT REVIEW

The CRA team will gather and review readily available recent planning documents and studies to aid in documenting existing conditions and gaps along the corridor. This effort will also be used to compile recommendations and currently planned improvements for use in later project phases. The document review will be compiled in a memo with a brief description of each document and pertinent findings as well as a map(s) depicting issues, opportunities, and plans.

WALK/BIKE AUDIT

CRA staff members will join City staff for a walking and bicycling tour of the Tamarack Avenue corridor. The tour will support the identification of issues and opportunities related to movement along the corridor, access to surrounding land uses (e.g., schools, parks, shopping center), and navigating street crossings. If schedules permit, the audit will coincide with school arrival and/or dismissal periods to better understand how different modes interact with one another. A summary map will be produced following the audit to document findings, including site specific issues, challenges, and opportunities for improvement. A brief memo will accompany the map, memorializing the event and describing corridor-wide findings.

DATA COLLECTION

CRA will commission multimodal AM/PM peak hour counts at ten (10) intersections, and ADT segment counts and speed surveys at four (4) locations along the corridor. Our staff members will document existing infrastructure for each mode, including intersection crossing features. CRA will also obtain the most recent collision data from the City’s Crossroads database, and available right-of-way, survey, and utility system data and record drawings.

NEEDS ASSESSMENT

Information from the document review, walk/bike audit, and data collection will be analyzed, mapped, and compiled into a succinct, graphic rich Needs Assessment document, summarizing connectivity, operations/quality, safety, and user behavior conditions for people walking, riding bicycles, and driving. The document will articulate the project area’s planning context as well as its mobility and

design-related opportunities and constraints. The assessment and input from the initial workshop series will serve as the basis for the corridor gaps and needs to be addressed throughout the development of potential treatments.

TASK 2 DELIVERABLES:

- ▶ Document Review Memo
- ▶ Walk/Bike Tour Summary Memo
- ▶ Ten (10) Multimodal AM/PM Intersection Counts
- ▶ Four (4) Vehicular Segment Counts and Speed Surveys
- ▶ Needs Assessment

➤ TASK 3: PLANNING PROCESS – PUBLIC OUTREACH

The Tamarack Avenue Complete Streets Plan will be a community driven effort, requiring engagement that is wide reaching, inclusive, and informative. For the project to be successful, the outcome must reflect the community's vision and address their current and future needs. CRA's public engagement lead, Jenny An, will liaise with the City's communication staff to implement the City's public outreach plan. CRA will provide a variety of technical experts (planners, traffic engineers, and civil engineers) to assist with engaging members of the public throughout the various outreach activities. CRA will take direction from the City's communication staff related to material preparation and how we can best support each specific outreach component.

This task assumes the following:

- ▶ City's Communication & Engagement Department will lead the communication and public engagement process for this project, including:
 - ▶ Developing an overall plan and timeline for outreach and engagement based on project schedule and milestones.
 - ▶ Drafting informational materials and graphics.
 - ▶ Developing presentations for the public, boards and commissions, and the City Council.

- ▶ Establishing a project website.
- ▶ Preparing updates for the public at key milestones in the process.
- ▶ Planning and coordinating public meetings and workshops.
- ▶ Providing materials and displays for public meetings and workshops.
- ▶ Documenting input received, except as noted above.
- ▶ Developing a project database/email list.
- ▶ Responding to inquiries from the public.
- ▶ Summaries of input received during each phase of engagement will be finalized within six weeks of when the engagement concluded.

The remainder of this task is organized by subtask to detail expectations.

PHASE 1: INPUT ON NEEDS AND PRIORITIES

TASK 3.1: REVIEW AND PROVIDE FEEDBACK ON PUBLIC ENGAGEMENT PLAN

CRA will review and provide feedback on a draft public engagement plan developed by city staff, including the following components: communication goals and objectives, list of interested and affected stakeholders, key messages, list of key decisions that will be influenced by public input and decisions that have already been made and will not change based on input, strategies and tactics to be used, and implementation timeline. CRA shall compile feedback and transmit a Word document to city staff.

TASK 3.2: INFORMATIONAL MATERIALS (PHASE 1)

CRA will provide up to 10 hours of staff time to support Phase 1 informational material development. Support will consist of reviewing draft informational materials prepared by city staff for accuracy and providing feedback to city staff in a Word document. Support may also entail providing digital, high-resolution images of design options and/or examples from other cities in native, png or jpeg formats to city staff for use in outreach. Company branding or other notations will be removed as specified by city staff.



TASK 3.3: PUBLIC INPUT (SURVEYS, MEETINGS, AND WORKSHOPS)

3.3(a) CRA Project Manager Andrew Prescott and Community Engagement Lead Jenny An will meet with city staff for one (1) hour to discuss the first phase of public input, refine focus questions to be used and potential visual/participation tools, such as Beyond Typical and Streetmix.

3.3(b) CRA to compile and provide city staff with graphics of potential street change options at up to three (3) locations. For each location, graphics will be prepared depicting existing conditions and up to two (2) alternatives for a total of up to nine (9) graphics.

3.3(c) CRA to participate with city staff in up to twelve (12) one-on-one or small group meetings with residents, businesses, parent groups, school administrators and other stakeholders. City to provide points of contact and make introductions. CRA to handle scheduling and document feedback using a city provided template. This task assumes meetings will be held digitally and includes up to twelve (12) hours for scheduling and up to thirty-six hours (36) for meeting participation and summaries.

TASK 3.4: BOARD AND COMMISSIONS

CRA to attend one (1) Traffic Safety & Mobility Commission meeting to answer technical questions, as needed.

TASK 3.5: AGENCY MEETINGS

CRA to meet with Caltrans, NCTD, and other agencies who should be consulted regarding changes to Tamarack Avenue. The meetings will serve to obtain and document initial feedback about needs, concerns, and priorities. Up to three (3) meetings are assumed.

PHASE 2: FEEDBACK ON THE PROPOSED OPTIONS

TASK 3.6: DOCUMENT HOW INPUT WAS USED IN PROPOSED DESIGNS

CRA will describe how design options reflect the major themes of the community input that will be developed by city staff and, if needed, why some feedback was not incorporated. A matrix format will be used to document responses for each theme. Up to four (4) hours of staff time are assumed.

TASK 3.7: MEETINGS/WORKSHOPS

3.7(a) Up to three (3) CRA staff members will attend two (2) public meetings/workshops. CRA staff members will participate in a 30-minute verbal debrief/summary, while city staff will document all feedback.

3.7(b) CRA will provide up to four (4) hours of material review for the two (2) meetings/workshops.

3.7(c) CRA to participate with city staff in up to twelve (12) one-on-one or small group meetings with residents, businesses, parent groups, school administrators and other stakeholders. City to provide points of contact and make introductions. CRA to handle scheduling and document feedback using a city provided template. This task assumes meetings will be held digitally and includes up to twelve (12) hours for scheduling and up to thirty-six hours (36) for meeting participation and summaries.

TASK 3.8: BOARD AND COMMISSIONS

CRA will attend one (1) Traffic Safety & Mobility Commission meeting and one (1) City Council meeting to answer technical questions, as needed.

TASK 3.9: INFORMATIONAL MATERIALS (PHASE 2)

CRA will provide up to 10 hours of staff time to support Phase 2 informational material development. Support will consist of reviewing draft informational materials prepared by city staff for accuracy and providing feedback to city staff in a Word document. Support may also entail providing digital, high-resolution images of design options and/or examples from other cities in native, png or jpeg formats to city staff for use in outreach. Company branding or other notations will be removed as specified by city staff.

PHASE 3: REVIEW OF THE FINAL 20% DESIGN

TASK 3.10: DOCUMENT HOW INPUT WAS USED IN 20% DESIGN

CRA will describe how the 20% design options reflect the major themes of the community input that will be developed by city staff and, if needed, why some feedback was not incorporated. A matrix format will be used to document responses for each theme. Up to four (4) hours of staff time are assumed.

TASK 3.11: REVIEW AND APPROVAL MEETINGS

CRA will attend one (1) Traffic Safety & Mobility Commission meeting, one (1) Planning Commission meeting, and one (1) City Council meeting to answer technical questions, as needed.

TASK 3 DELIVERABLES:

Phase 1:

- ▶ Feedback on public engagement plan
- ▶ Feedback on draft informational materials
- ▶ Up to nine (9) graphics depicting potential street change options
- ▶ Participation at one (1) Traffic Safety & Mobility Commission meeting
- ▶ Participation at up to three (3) agency meetings

Phase 2:

- ▶ Matrix documenting how community input was used in proposed designs
- ▶ Participation at up to two community meetings/workshops
- ▶ Feedback on meeting/workshop materials
- ▶ Scheduling and participation in up to twelve (12) one-on-one or small group meetings
- ▶ Participation at one (1) Traffic Safety & Mobility Commission meeting and one (1) City Council meeting

Phase 3:

- ▶ Matrix documenting how community input was used in 20% designs
- ▶ Participation at one (1) Traffic Safety & Mobility Commission meeting, one (1) Planning Commission meeting, and one (1) City Council meeting

➤ TASK 4: PLANNING PROCESS – MOBILITY ANALYSIS

CRA will develop a mobility analysis report consistent with the City's TIA guidelines to support the conceptual design plans. The analysis will serve to highlight changes in operations and mobility

quality resulting from proposed intersection control and cross-section modifications. Intersection analysis will utilize Synchro Version 11 for signalized intersections and SIDRA Intersection 9.1 for potential roundabout locations. CRA has extensive experience applying the City of Carlsbad's TIA guidelines and utilizing the Multi Modal Level of Service (MMLOS) tool to document vehicular operations. Recent examples include the La Costa Avenue & Camino De Los Coches Intersection Control Evaluation, College Boulevard Reach A, and Faraday Avenue & Palmer Way Intersection Control Evaluation. Our familiarity with the City's guidelines, processes, and expectations will help expedite the analysis development and review process.

TASK 4 DELIVERABLES:

- ▶ Draft and Final Mobility Analysis

➤ TASK 5: CONCEPT DESIGN PLAN

TASK 5.1: PREPARATION OF DRAFT CONCEPT DESIGN PLAN AND PUBLIC REVIEW

CRA will initiate preparation of the Draft Concept Design Plan following completion of workshop 2. The plans will be driven by the community vision and input obtained during the first two workshop series and informed by the Needs Assessment. Four (4) total cross-sections, one for Phase 1, one for Phase 3, and two for Phase 2 (I-5 southbound ramps to Adams Street and Adams Street to Skyline Road) will be prepared to account for the varying widths of the corridor. The cross-section locations will be determined in partnership with City staff. Additionally, CRA will prepare two (2) intersection alternatives for up to eight (8) intersection locations, which may be used to demonstrate changes in traffic controls (e.g., roundabouts). Each study intersection will be determined in partnership with the City.

Based on the selected cross-sections and intersection designs, CRA will prepare the Initial Draft Concept Design Plans. To expedite concept development and review, we propose developing the Initial Draft Concept Design Plan as four (4), approximately 500' of roadway length, plan view graphics to complement each of the selected cross-sections. The Initial Draft Concept Design Plans will depict the preliminary 2D horizontal layout of the proposed roadway curbing,

striping, parkways, sidewalks, and bikeways. It is assumed that the plan view line work will be prepared at 40' scale over aerial imagery provided by the City (applies to the Initial Draft Concept Plans and the 30% plans).

Prior to release for public review, the Initial Draft Concept Design Plans will be submitted for one round of City review and updates. As part of Task 3, it is understood the Initial Draft Design Concepts will be posted on the City's project website and social media accounts and presented at a public workshop and at the Traffic & Mobility Commission. Upon completion of the review period, CRA will prepare a summary of the feedback received. CRA will meet with the City to review the feedback summary and obtain direction from City staff to initiate Task 5.2.

TASK 5.2: PREPARATION OF 30% DESIGN CONCEPTS

Based on the feedback received in Task 5.1 and City staff direction, CRA will prepare 30% Design Concepts and an Opinion of Probable Construction Cost (OPCC) for the entire project corridor. The 30% Design Concept Plans will depict the preliminary 2D horizontal layout of the proposed roadway curbing, striping, parkways, sidewalks, and bikeways. They will also identify any critical existing utility conflicts, based on information provided by the City. The concepts will be presented to the Traffic & Mobility Commission as part of Task 3. Up to two (2) rounds of revisions will be performed: one (1) round based on initial City staff review and a second round based on Traffic & Mobility Commission comments.

CRA will prepare a Drainage and Water Quality Memo to accompany the 30% Design Concepts. The memo will document drainage and water quality improvements that will be needed when the project proceeds to final design. The memo will not include any calculations, but it will include a high-level evaluation of the existing drainage infrastructure as well as available results from the City's Drainage Master Plan that are relevant to the project area. The memo will document the steps necessary for compliance with the Regional MS4 Permit as well as the State Construction General Permit.

TASK 5 DELIVERABLES:

- ▶ Initial Draft Concept Design Plan
- ▶ Summary of Comments from the Public and Traffic & Mobility Commission

- ▶ 30% Design Concepts & OPCC
- ▶ Drainage and Water Quality Memo

➤ TASK 6: IMPLEMENTATION STRATEGY

CRA will prepare an Implementation Strategy as part of the Complete Streets Plan. The Implementation Strategy will provide a prioritization strategy, project phasing analysis and recommendation, a project cost estimate based on the Draft Conceptual Design, funding strategy (financial plan), and funding opportunities database that describes the project's applicability to a variety of grant funding opportunities.

TASK 6 DELIVERABLES:

- ▶ Draft and Final Implementation Strategy

➤ TASK 7: FINAL TAMARACK AVENUE COMPLETE STREETS PLAN

CRA will prepare the Final Tamarack Avenue Complete Streets Plan incorporating the previously completed project tasks. The Complete Streets Plan will include the Needs Assessment, documentation of public engagement activities, Concept Design Plan, and Implementation Strategy. An outline of the Complete Streets Plan document will be provided to City staff for comment and finalization prior to initiating the document. As part of Task 3, CRA and City staff will present the project to the City of Carlsbad Planning Commission and City Council for final review and adoption.

TASK 7 DELIVERABLES:

- ▶ Draft and Final Complete Streets Plan Outline
- ▶ Draft and Final Tamarack Avenue Complete Streets Plan



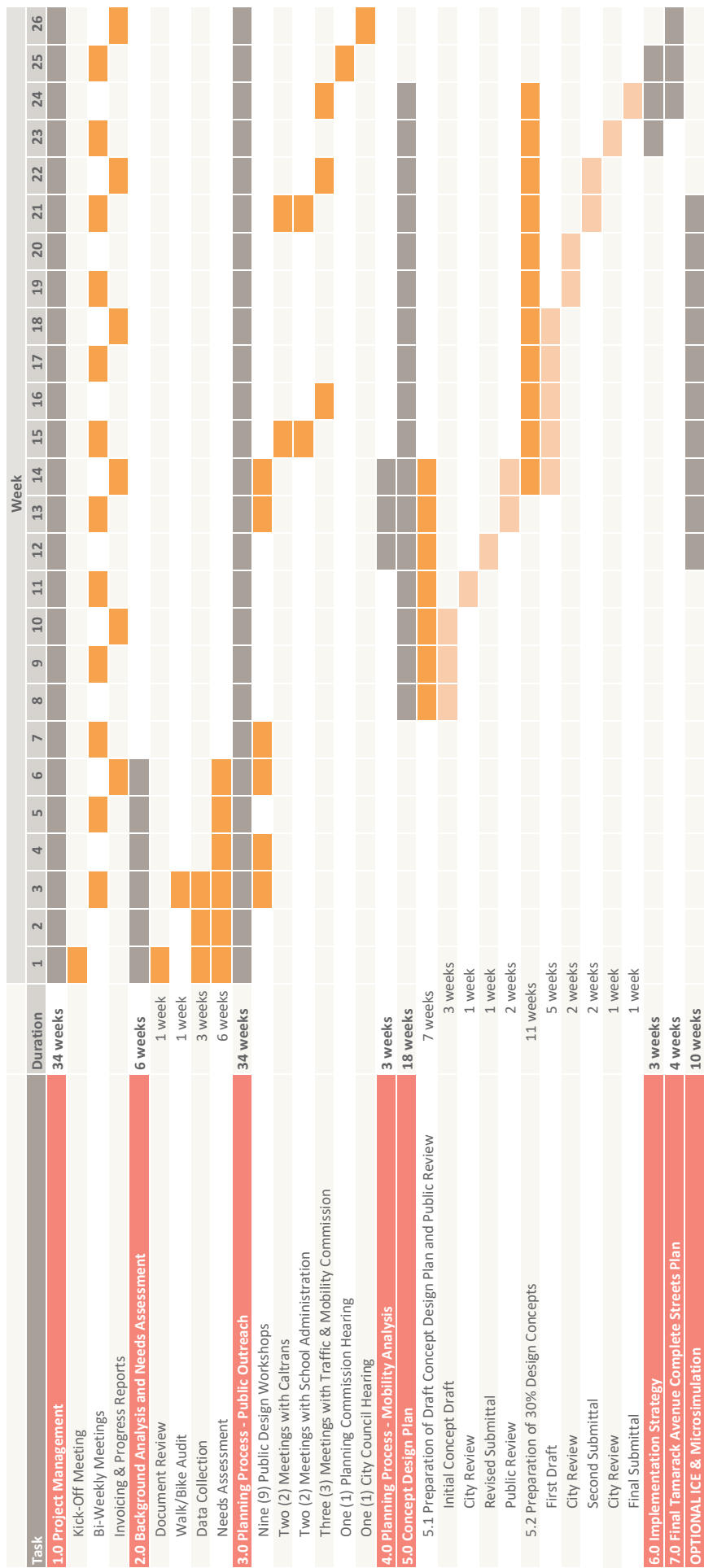
Schedule

Feb. 27, 2024

The project schedule presented here aligns with the City's objective of completing the project within a six-month timeframe. We acknowledge that this is an ambitious goal and achieving it will require a creative and efficient outreach plan, a project manager with the necessary skills and availability, as well as a collaborative effort from a team of planners and engineers with sufficient capacity.

The project's scope entails extensive outreach and engagement activities, including three sets of public design workshops. It is crucial to plan and execute the first set of these workshops in the very early stage of the project. CRA is fully prepared to provide the City with all the technical support required for this endeavor. Additionally, we will identify three design

teams to concurrently develop concept plans for each of the three phases of the corridor. Ross Duenas will oversee the entire corridor to ensure effective communication within the teams and maintain consistency in design recommendations. Our in-house team of design engineers will promptly work on creating base maps and reviewing utilities and rights-of-way right after the project kick-off. Simultaneously, our planners and traffic engineers will be engaged in the Needs Assessment and assisting with outreach activities. The availability of our key personnel is outlined in the Project Team section (Section 3) of this proposal.



Cost Estimate

Feb. 27, 2024

No.	Task Description	Principal-in-Charge	Project Manager	Civil Engineering Lead	Traffic Engineering Lead	Stormwater & Utilities Lead	Community Engagement Lead	Civil Engineer	Transportation Planner	Planner / GIS / Engineer Support	Traffic Engineer	Intern	Admin	Subconsultant	Labor Cost		Direct Cost	Total Cost
															Hrs.	Cost		
1.0	Project Management	Chen	Prescott	Duenas	Nguyen	Cartwright	An	Soto	Garate	Varies	Perez	Varies	Josquin	Subconsultant	8	\$ 21,980	\$ -	\$ 21,980
	Kick-Off Meeting	2	2	2	2	4	4	10	4	10	4	8	8	8	8	\$ 2,110	\$ -	\$ 2,110
	Bi-Weekly Meetings	10	34	8	8	4	4	8	4	8	4	16	16	16	16	\$ 16,280	\$ -	\$ 16,280
	Inviting & Progress Reports	8	8	8	8	8	8	8	8	8	8	8	8	8	8	\$ 2,800	\$ -	\$ 2,800
2.0	Background Analysis and Needs Assessment	5	89	14	18	18	-	12	32	92	44	24	-	-	167	\$ 51,685	\$ 2,420	\$ 54,105
	Document Review	4	4	4	2	4	-	4	4	16	16	-	-	-	10	\$ 4,560	\$ -	\$ 4,560
	Walk/Bike Audit	1	12	8	8	8	-	8	12	16	4	-	-	-	29	\$ 9,345	\$ -	\$ 9,345
	Data Collection	4	2	4	4	2	-	8	20	60	40	8	-	-	128	\$ 30,880	\$ 2,420	\$ 33,300
3.0	Planning Process - Public Outreach	-	76	21	-	-	-	80	-	24	-	-	-	-	177	\$ 43,990	\$ 1,801	\$ 45,791
3.1	Review and provide feedback on public engagement plan	-	1	1	-	-	-	2	-	-	-	-	-	-	3	\$ 685	\$ -	\$ 685
3.2	Informational Materials (Phase 1)	-	2	2	-	-	-	8	-	-	-	-	-	-	10	\$ 2,350	\$ -	\$ 2,350
3.3	Public Input (Surveys, Meetings, and Workshops)	-	22	-	-	-	-	28	-	12	-	-	-	-	50	\$ 12,800	\$ -	\$ 12,800
3.4	Board and Commissions	-	5	-	-	-	-	-	-	-	-	-	-	-	5	\$ 975	\$ 88	\$ 1,063
3.5	Agency Meetings	-	3	3	-	-	-	-	-	-	-	-	-	-	6	\$ 1,455	\$ 298	\$ 1,753
3.6	Document how Input Was Used in Proposed Designs	-	-	-	-	-	-	4	-	-	-	-	-	-	4	\$ 960	\$ -	\$ 960
3.7	Meeting/Workshops	-	30	10	-	-	-	30	-	12	-	-	-	-	70	\$ 17,840	\$ 519	\$ 18,359
3.8	Board and Commissions	-	4	4	-	-	-	-	-	-	-	-	-	-	8	\$ 1,940	\$ 259	\$ 2,199
3.9	Informational Materials (Phase 2)	-	4	-	-	-	-	4	-	-	-	-	-	-	8	\$ 1,760	\$ -	\$ 1,760
3.10	Document how Input Was Used in 20% Designs	-	-	-	-	-	-	-	-	-	-	-	-	-	4	\$ 960	\$ -	\$ 960
3.11	Review and Approval Meetings	-	5	4	-	-	-	-	-	-	-	-	-	-	9	\$ 2,155	\$ 295	\$ 2,450
4.0	Planning Process - Mobility Analysis	-	4	4	4	8	-	-	-	8	40	12	-	6	81	\$ 15,955	\$ -	\$ 15,955
5.0	Concept Design Plan	-	10	50	-	6	-	-	-	362	-	-	-	91	285	\$ 113,680	\$ -	\$ 113,680
5.1	Preparation of Draft Concept Design Plan and Public Review	-	4	16	-	-	-	44	-	124	-	-	-	75	139	\$ 46,960	\$ -	\$ 46,960
5.2	Preparation of 30% Design Concepts	-	6	34	-	6	-	84	-	228	-	-	-	16	146	\$ 67,100	\$ -	\$ 67,100
5.0	Implementation Strategy	2	12	4	-	-	-	8	40	-	-	-	-	-	70	\$ 12,590	\$ -	\$ 12,590
7.0	Final Tamarack Avenue Complete Streets Plan	8	24	4	4	-	-	4	24	40	-	-	-	-	70	\$ 19,830	\$ -	\$ 19,830
	TOTAL	28	228	107	34	10	102	152	96	516	84	38	8	97	942	\$ 278,930	\$ 4,321	\$ 283,251

LOCATION MAP

Exhibit 2



PROJECT NAME

TAMARACK AVENUE COMPLETE STREETS PLAN

EXHIBIT

2



CITY COUNCIL

Staff Report

Meeting Date: Feb. 27, 2024

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Jason Haber, Intergovernmental Affairs Director
jason.haber@carlsbadca.gov, 442-339-2958

Subject: Consider Discussing Proposed Revisions to the City's Code and General Plan Relating to McClellan-Palomar Airport

Districts: All

Recommended Action

Consider a request from Mayor Blackburn to engage in a discussion regarding a request from Citizens for a Friendly Airport relating to revisions to the City's Code and General Plan relating to McClellan-Palomar Airport.

Executive Summary

Mayor Blackburn submitted the attached email (Exhibit 1) to the City Manager on Jan. 30, 2024, requesting that the topics related to Palomar Airport that are contained in the background information sent by Hope Nelson, on behalf of Citizens for a Friendly Airport, on Jan. 3, 2024 (Exhibit 2), be placed on an upcoming City Council agenda.¹

Fiscal Analysis

No city funding is being requested.

Next Steps

Staff will carry out the City Council's direction.

Environmental Evaluation

This action does not require environmental review because it does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065 in that it has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Exhibits

1. Jan. 30, 2024, request from Mayor Blackburn
2. Jan. 3, 2024, email from Hope Nelson

¹ Carlsbad Municipal Code Section 1.20.060(C) states, "Items of business may be placed on the agenda by any member of the council, the city manager or the city attorney, or by council action. Council-originated items must be submitted to the city manager not less than seven days before the date of the council meeting at which the member desires the item to appear on the agenda. Nothing in this section precludes a council member from requesting council action to place an item on the agenda for a future meeting."

Sheila Cobian

Subject: RE:

From: Keith Blackburn <Keith.Blackburn@carlsbadca.gov>

Sent: Tuesday, January 30, 2024 4:49:29 PM

To: Scott Chadwick <Scott.Chadwick@carlsbadca.gov>

Subject:

Good Afternoon,

Consistent with my authority under Carlsbad Municipal Code, Section 1.20.060 (C), I am requesting that the topics related to Palomar Airport that are contained in the background information sent by Hope Nelson on behalf of Citizens for a Friendly Airport on January 3, 2024 be placed on a future agenda for City Council discussion and consideration.

Thank you,

Get [Outlook for iOS](#)

Sheila Cobian

Subject: FW: Agendizing discussion of Palomar Airport
Attachments: 2023-01-02 C4FA Memorandum to City_fnl (1) (1).pdf

From: Hope Nelson <hopefromthehood@gmail.com>
Sent: Wednesday, January 3, 2024 10:08 AM
To: Keith Blackburn <Keith.Blackburn@carlsbadca.gov>
Cc: Priya Bhat-Patel <Priya.Bhat-Patel@carlsbadca.gov>; Melanie Burkholder <Melanie.Burkholder@carlsbadca.gov>; Carolyn Luna <Carolyn.Luna@carlsbadca.gov>; Teresa Acosta <Teresa.Acosta@carlsbadca.gov>; Jason Haber <Jason.Haber@carlsbadca.gov>; Vickey Syage <vickey.syage@gmail.com>; Mary Anne Viney <maryanneviney@dslextreme.com>; Shirley Anderson <sander1575@aol.com>
Subject: Agendizing discussion of Palomar Airport

Dear Mayor Blackburn,

Many thanks for all you are doing regarding Palomar Airport, and for our discussion.

For clarity, we would like the Council to consider the following in their discussion.

Cornerstones

- *"Effective December 29, 1978, Palomar Airport was formally annexed to the City of Carlsbad, which will have final authority on any airfield expansion plans."* (Palomar Airport Summary Report, Jan 1979, General Information)
- San Diego Superior Court reaffirmed the City's responsibility in its January 2021 ruling in Citizens for a Friendly Airport v. County of San Diego.
- The Annexation Agreement and the Court's ruling gives the City of Carlsbad the clear responsibility to exercise the City's local control of Palomar Airport in the best interests of Carlsbad.
- The City of Carlsbad Resolutions, passed in 2019, state with clarity, the City's position regarding the Airport.

Suggested Implementation Framework

Zoning

- Amend Carlsbad's zoning ordinances to include KK&R's (City's outside legal counsel) 2018 recommendations.
 - These recommendations were initially released for public review in 2018 and approved but not adopted by the City.
- Adopt the definition of Airport Expansion consistent with the definitions of the California Utilities Code (CPUC).

- The CPUC is the permitting agency for the Airport.
- Prevent the creation of any inconsistencies regarding the process for an amended CUP.
 - Ensure a City Council vote for any CUP changes or additions.
 - Resolve any inconsistencies within the City's Municipal Code.

General Plan

- Memorialize procedural requirements to support the Annexation Agreement which specified Carlsbad's "final authority" and the Court's 2021 ruling, which states that "the County waived its immunities".
- Memorialize the City of Carlsbad's official position on the expansion of Palomar Airport.

Next Steps

- Place the discussion of the Suggested Implementation Framework on the Feb 6, 2024 City Council Agenda
- Direct staff to return to the City Council within 60 days for the City Council discussion and potential action.

Documents from C4FA's attorneys are attached for your review. We provide them in the interest of sharing research.

If the City of Carlsbad adopts these suggested changes, many recommended by their outside counsel KK&R, our City Council will be able to ensure that the City's local control is honored for generations to come.

Respectfully,

Hope Nelson, on behalf of Citizens for a Friendly Airport

CAUTION: Do not open attachments or click on links unless you recognize the sender and know the content is safe.



Chatten-Brown Law Group, APC
Kathryn Pettit | Associate
325 W. Washington Street, Suite 2193
San Diego, CA 92103
kmp@chattenbrownlawgroup.com
Phone: (619) 393-1440

January 2, 2024

City Council
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Re: Proposed Revisions to the City's Code and General Plan

Dear Councilmembers:

Our firm represents Citizens for a Friendly Airport (C4FA). As you are well aware, in 2019, the City Council adopted resolutions 2019-178 and 2019-179 to establish the City of Carlsbad's position regarding the McClellan-Palomar Airport.

C4FA seeks to work with the City to reintroduce the proposed ordinance that was released for public review on January 18, 2018 (Exhibit A), and initially approved but not adopted by the City, along with additional revisions recommended by our office (Exhibit B), for City Council consideration (together, "Proposed Ordinance"). Additionally, C4FA presents narrowly-tailored revisions to the City's General Plan, for the City's consideration. (Exhibit C, "Proposed General Plan Amendment".)

Together, the Proposed Ordinance and Proposed General Plan Amendment would implement the City Council's resolutions, absolve any potential inconsistencies in the City Municipal Code, and memorialize the procedural requirements pursuant to the 1978 Annexation Agreement between the City and County of San Diego, as detailed in the San Diego Superior Court's ruling in *C4FA v. County of San Diego*.

Our office conducted extensive research into the Proposed Ordinance and Proposed General Plan Amendment.

In Section I, we first provide a summary of the current requirements under the City's code. We then summarize our recommended revisions to the City's code in Section II, and our recommended amendment to the General Plan in Section III.

I. Current Procedural Requirements

a. Obtainment of a Conditional Use Permit

The Annexation Agreement between the City and County established the City's zoning and land use authority over the airport. This includes the requirement that the County must obtain a conditional use permit ("CUP") from the City. As the Superior Court recently found:

[T]he County ...obtained CUP-172 as a condition of the City of Carlsbad's annexation of the airport and rezoning of the land for airport use. (citation.) Notably, the Local Agency Formation Commission stated the following: "In order to comply with the requirements of the Carlsbad Zoning Ordinance, an appropriate zoning designation must be placed upon the airport, and a Conditional Use Permit must be obtained by the County. The City of Carlsbad and the County are in agreement with this procedure." (citation.) Thus, the evidence in the administrative record indicates that the County voluntarily and intentionally relinquished its immunities with respect to the airport.

(Superior Court Case No. 37-2018-00057624-CU-TT-CTL, January 26, 2021 Ruling.)

The County's existing CUP-172 states that "permitted uses for Palomar Airport are limited to those outlined in Table 1 ... approval of any uses not specifically listed in Table 1 and/or expansion of the airport facility shall require an amendment to the Conditional Use Permit." (County Resolution 1699 re CUP-172, p.3-5 (1980).) Notably, the CUP-172 specifically omits runway extensions from uses not requiring discretionary review, indicating that the County must obtain the City's approval via the CUP process for any proposed runway extensions.

Thus, a CUP is required for any new or expanded airport uses. We are aware that the County has not treated "runway extensions" as "expansions." Therefore, we suggest revising the municipal code to clarify that the language of "airport expansion" mirrors Public Utilities Code Section 21664.5, to be consistent with the language and intent of CUP-172, as well as state law.

b. City Council Vote

Under our interpretation, the City's municipal code indicates an intent to require City Council approval for airport-related CUP requests. Airport uses are designated as "Process 3" throughout the code, which holds that "[t]he city council shall hear the matter." (Section 21.42.070.)

However, we identified potential inconsistencies in the code, thus requiring the Proposed Ordinance to ensure clarity in the process. The Municipal Code provides: "An approved [] conditional use permit may be amended pursuant to the provisions of Section 21.54.125 of this title. (Section 21.42.110 subd. (E).)

Accordingly, Code Section 21.54.125 provides: “any approved development permit may be amended by following *the same procedure required for the approval of said development permit* (except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment) . . .” (emphasis added.)

While the 1980 CUP-172 Resolution only required approval from the Planning Commission, the Municipal Code currently requires City Council approval for any airport CUP.

Thus, it is not entirely clear what process is currently required for any CUP amendment, even for a proposed expansion of airport uses under the existing CUP. We believe this necessitates the Proposed Ordinance, including the new additions proposed by C4FA.

II. Overview of Proposed Ordinance

The ordinance that was proposed by City staff in 2018 proposed the following changes:

- Amend Zoning Ordinance text and define “airport.”
- Allow an airport with approval of a conditional use permit by the City Council only within the boundary of McClellan-Palomar Airport proposed on the City’s Zoning Map.
- Prohibit an airport in all other zones and on all other properties within the City.

We reviewed the ordinance, and suggested the additional revisions:

- Amend Zoning Ordinance text to clarify the definition of “airport expansion,” consistent with state law (Public Utilities Code Section 21664.5)
- Prevent the creation of any inconsistencies regarding the process for an amended CUP.

III. Overview of Proposed General Plan Amendment

We also believe that a General Plan Amendment to clearly set forth the process would bring great advantages to the public and future elected decisionmakers. While there are costs associated with updating or amending the municipal code and General Plan, a clear memorialization of the City’s procedures would prevent any confusion, application of the wrong process, or use of loopholes several years down the road.

The City’s General Plan already includes the following policy:

Prohibit approval of any zone change, general plan amendment or other legislative action that authorizes expansion of McClellan-Palomar Airport, unless authorized to do so by a majority vote of the Carlsbad electorate.

(City of Carlsbad General Plan, Land Use & Community Design Element, 2-45; see also Section 21.53.015, Carlsbad Municipal Code.)

Thus, we believe that the General Plan should be amended to establish the following clear policies of the City:

- Any airport expansion requires a CUP from the City.
- Expansion will be defined as consistent with the definition in the Public Utilities Code.
- Any CUP request– whether it is for a new CUP or an amendment to a CUP – for airport expansion requires a City Council vote.
- The City of Carlsbad supports the B-II Enhanced Alternative McClellan Palomar Airport Master Plan design classification, with no runway extension, and opposes the County Board of Supervisor’s D-III Modified Standards Compliance Alternative.

We have included our proposed revisions in Exhibit C (revisions in blue text).

IV. Conclusion

Our office has spent considerable time researching the Proposed Ordinance, which is primarily the product of research conducted by the City’s prior consultant, KK&R. Our firm only had two minor proposed revisions. The Proposed Ordinance would implement City Council resolutions 2019-178 and 2019-179, and ensure that the correct procedure is clear in the City’s code.

We also thoroughly believe that a narrow General Plan Amendment is needed to memorialize the City Council’s resolutions to maintain the airport’s current B-II designation without any runway extension, as well as the required decision-making process that is set out in the City’s code.

Thank you for your time and consideration of C4FA’s proposal. We respectfully request a meeting with the City staff to further discuss the Proposed Ordinance and General Plan Amendment, especially to receive the City’s input.

We are available at your earliest convenience. Please do not hesitate to call with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Pettit".

Kathryn Pettit
Josh Chatten-Brown

Exhibit A

PUBLIC NOTICE

TO INTERESTED PARTIES:

Please be advised that the City of Carlsbad is considering text amendments to its Local Coastal Program (LCP) as summarized below. This LCP amendment is being proposed by the City of Carlsbad and is currently under review. This notice hereby opens a six-week review period after which the Planning Commission and City Council will consider all comments and act on the proposed LCP amendment. The Planning Commission hearing is expected to take place in spring 2019 and will be duly noticed. The City Council hearing is expected to take place in spring 2019 and will be duly noticed.

Copies of the LCP amendment are available for review at the following locations: (1) Carlsbad Planning Division, 1635 Faraday Avenue; (2) City Clerk's Office, 1200 Carlsbad Village Drive; (3) Carlsbad Main Library, 1775 Dove Lane; (4) Georgina Cole Library, 1250 Carlsbad Village Drive; and (5) the California Coastal Commission, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402. The LCP Amendment is also posted on the city's website at <http://www.carlsbadca.gov/services/depts/planning/agendas.asp>.

PROPOSED LCP AMENDMENT SUMMARY LCPA 2018-0001 (PUB 2018-0022) – Zoning Code Amendment – Airports

The City's Zoning Ordinance is the implementing ordinance for the City's LCP. Accordingly, the LCP amendment is necessary to ensure consistency between the City's proposed amended Zoning Ordinance and its Local Coastal Program. This specific Zoning Code Amendment is as follows:

The proposed amendment would amend Zoning Ordinance text and define "airport," allow an airport with approval of a conditional use permit by the City Council only within the boundary of McClellan-Palomar Airport proposed on the City's Zoning Map, and prohibit an airport in all other zones and on all other properties within the City.

Changes proposed to the Zoning Ordinance text are attached. Please note the airport and proposed boundary around it are outside the Coastal Zone. Further information about McClellan-Palomar Airport and related City and County actions is available at <http://www.carlsbadca.gov/residents/airportmasterplan.asp>.

If you have any questions, please contact Scott Donnell, Senior Planner, in the Planning Division at (760) 602-4681 or scott.donnell@carlsbadca.gov. Written comments should be sent to the Planning Division at 1635 Faraday Avenue, Carlsbad, California 92008.

PUBLISH DATE: January 18, 2018

PUBLISH DATE FOR U-T SAN DIEGO: January 18, 2018

PUBLISH DATE FOR COAST NEWS: January 18, 2018

**Community & Economic Development
Planning Division**

1635 Faraday Avenue | Carlsbad, CA 92008 | 760-602-4600 | 760-602-8560 fax
Feb. 27, 2024

Proposed text changes to the Carlsbad Municipal Code (Title 21)

Zoning Code Amendment - Airports

ZCA 2018-0001 / ZC2018-0002 / LCPA 2018-0001 (PUB2018-0022)

Amendments to Chapter 21.04 Definitions

Chapter 21.04 (Definitions) is proposed to be amended by adding new Section 21.04.024 to define “airport” as follows:

21.04.024 Airport

“Airport” means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, and all airport buildings and facilities located thereon. Airport safety areas and zones are included within this definition. This definition shall be used by the City when applying any requirements of the California Public Utilities Code Section 21661.6.

Amendments to Chapter 21.07 E-A Exclusive Agriculture Zone

Section 21.07.020 Table A (Permitted uses in the E-A, Exclusive Agricultural Zone) is proposed to be amended by deleting “airports” as follows:

Use	P	CUP	Acc
Airports		3	

Amendments to Chapter 21.29 C-T Commercial Tourist Zone

Section 21.29.030 Table A (Permitted uses in the C-T, Commercial Tourist Zone) is proposed to be amended by deleting “airports” as follows:

Use	P	CUP	Acc
Airports		3	

Amendments to Chapter 21.30 C-M Heavy Commercial – Limited Industrial Zone

Section 21.30.010 Table A (Permitted uses in the C-M, Heavy Commercial – Limited Industrial Zone) is proposed to be amended by deleting “airports” as follows:

Use	P	CUP	Acc
Airports		3	

Amendments to Chapter 21.32 M Industrial Zone

Section 21.32.010 Table A (Permitted uses in the M, Industrial Zone) is proposed to be amended by changing “airports” to “airport” and by adding Note 3 as follows:

Use	P	CUP	Acc
Airports <u>(see note 3 below)</u>		3	

Notes:

3. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city.

Amendments to Chapter 21.34 P-M Planned Industrial Zone

Section 21.34.020 Table A (Permitted uses in the P-M, Planned Industrial Zone) is proposed to be amended by changing “airports” to “airport” and adding Note 6 as follows:

Use	P	CUP	Acc
Airports <u>(see note 6 below)</u>		3	

Notes:

6. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city.

Exhibit B

**Additional text changes to the Carlsbad Municipal Code (Title 21)
Zoning Code Amendment - Airports**

Amendments to Chapter 21.04 (Definitions)

21.04.140.1 Expansion.

“Expansion” means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. In the context of airports, “expansion” includes the acquisition of runway protection zones, or of any interest in land for the purpose of any other expansion, construction of a new runway, extension or realignment of an existing runway, or any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to these purposes.

Amendments to Chapter 21.32 M Industrial Zone

Section 21.32.010 Table A (Permitted uses in the M, Industrial Zone) is proposed to be amended by changing “airports” to “airport” and by adding Note 3 as follows:

[No change to Proposed Ordinance’s Table revisions]

Notes:

3. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city. The approval of any conditional use permit amendment shall also require a vote by the city council, notwithstanding any other sections of this code, including Sections 21.42.110 and 21.54.125.

Amendments to Chapter 21.34 P-M Planned Industrial Zone

Section 21.34.020 Table A (Permitted uses in the P-M, Planned Industrial Zone) is proposed to be amended by changing “airports” to “airport” and adding Note 6 as follows:

[No change to Proposed Ordinance’s Table revisions]

Notes:

6. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city. The approval of any conditional use permit amendment shall also require a vote by the city council, notwithstanding any other sections of this code, including Sections 21.42.110 and 21.54.125.

Exhibit C

- 2-P.39** Prohibit approval of any zone change, general plan amendment or other legislative action that authorizes expansion of McClellan-Palomar Airport, unless authorized to do so by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code.)
- 2-P.40** Require any proposal for an expansion of airport uses to obtain a conditional use permit pursuant to a City Council vote.
- 2-P.41** Permit expansion only within the current boundary of McClellan-Palomar Airport.
- 2-P.42** Utilize the State Public Utilities Code definition of airport expansion, which includes the acquisition of runway protection zones, or of any interest in land for the purpose of any other expansion, construction of a new runway, extension or realignment of an existing runway, or any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to these purposes.
- 2-P.43** Oppose the McClellan-Palomar Airport Master Plan D-III Modified Standards Compliance Alternative design classification. (Resolution No. 2019-178.)
- 2-P.44** Support the B-11 Enhanced Alternative McClellan-Palomar Airport Master Plan design classification, with no runway extension. (Resolution No. 2019-179.)