



CITY COUNCIL Agenda

March 12, 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: 5 p.m.

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

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bhat-Patel led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes from the Regular Meeting held Jan. 30, 2024

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

PRESENTATIONS:

Proclamation in Recognition of Women's History Month

Recognition of Donation from Friends of Carrillo Ranch, Inc.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: City Attorney Cindie McMahon announced that the City Council voted unanimously to direct the City Attorney's Office to engage outside housing counsel to represent the City on Windsor Pointe matters.

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

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

1. **REPORT ON CITY INVESTMENTS AS OF JAN. 31, 2024** – Accept and file Report on City Investments as of Jan. 31, 2024. (Staff contact: Zach Korach and Craig Lindholm, Administrative Services Department)
2. **ANNUAL INVESTMENT POLICY UPDATE** – Adoption of a resolution approving the City's Investment Policy dated March 12, 2024. (Staff contact: Zach Korach, Administrative Services Department)
ACTION: Adopted Resolution No. 2024-042 – 5/0.
3. **AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING INC. FOR BUILDING AND SAFETY SERVICES** – Adoption of a resolution approving Amendment No. 2 to the Professional Services Agreement with Willdan Engineering Inc. to increase the total not-to-exceed compensation amount to \$140,000 in years one and two of the contract to provide continued temporary staffing and building and safety services. (Staff contact: Mike Strong, Community Services Department)
ACTION: Adopted Resolution No. 2024-043 – 5/0.
4. **AGRICULTURAL CONVERSION MITIGATION FEE FUNDS FOR BATIQUITOS LAGOON FOUNDATION PROJECTS** – Adoption of a resolution approving a \$35,287 transfer of Agricultural Conversion

Mitigation Fee funds from Batiquitos Lagoon Foundation Project AGP 06-12 to Batiquitos Lagoon Foundation Project AGP 09-03, a \$120,236 appropriation for upcoming costs associated with the projects, and an additional appropriation of \$5,000 for AGP 06-12 to align the current FY 2023-24 Agricultural Conversion Mitigation Fee Program Budget and authorizing the City Manager to execute funding agreements with the Batiquitos Lagoon Foundation. (Staff contact: Nicole Piano-Jones, Community Services Department)

ACTION: Adopted Resolution No. 2024-044 – 5/0.

5. ACCEPTING A \$10,310 DONATION FROM THE FRIENDS OF CARRILLO RANCH, INC. – Adoption of a resolution accepting a \$10,310 donation from the Friends of Carrillo Ranch, Inc. to the City of Carlsbad Parks & Recreation Department in support of the California History & Art Field Trip Program at Leo Carrillo Ranch Historic Park. (Staff contact: Majka Penner, Community Services Department)

ACTION: Adopted Resolution No. 2024-045 – 5/0.

6. AGREEMENT WITH SPACESAVER INTERMOUNTAIN, LLC FOR ADDITIONAL LOCKERS AND REVISING THE MEN’S LOCKER ROOM LAYOUT AT THE POLICE & FIRE HEADQUARTERS, CIP PROJECT NO. 4715 – Adoption of a resolution authorizing execution of an agreement with Spacesaver Intermountain, LLC to provide additional lockers for the Police and Fire Headquarters Renovation Project and revise the men’s locker room layout and authorizing an additional appropriation in the amount of \$157,160 from the General Capital Construction Fund for the project, CIP Project No. 4715. (Staff contact: Steven Stewart, Public Works Department and Mickey Williams, Police Department)

ACTION: Adopted Resolution No. 2024-046 – 5/0.

7. 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 AND AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THIS EMERGENCY – Adoption of 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 and authorizing additional appropriations in the amount of \$474,000 for the Storm Drain System Rehabilitation and Repair Program. (Staff contact: Tom Frank, Public Works Department)

ACTION: Adopted Resolution No. 2024-047 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS:

8. PUBLIC HEARING TO CONSIDER AN APPEAL OF THE CITY ENGINEER’S DECISION TO APPROVE THE GRADING FINAL PUNCH LIST, RELEASE SECURITIES AND APPROVE THE NOTICE OF COMPLETION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR GRADING PERMIT NO. GR2021-0016 – Adoption of a resolution denying the appeal and affirming the City Engineer designee’s approval of the Grading Final Punch List, release of grading securities and approval of the Notice of Completion and Acceptance of Public Improvements for Grading Permit No. GR2021-0016. (Staff contact: Paz Gomez, Public Works Department and Gina Herrera, City Attorney Department)

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

ACTION: Adopted Resolution No. 2024-048 – 4/0/1 (Burkholder – Abstain).

DEPARTMENTAL AND CITY MANAGER REPORTS:

9. UPDATE ON AFFIRMED HOUSING'S WINDSOR POINTE AFFORDABLE HOUSING PROJECT AND POTENTIAL ACTIONS TO ADDRESS CONCERNS – Receive an update on the city's efforts to address concerns about Affirmed Housing's Windsor Pointe Affordable Housing Project and direct designees to work with appropriate entities to resolve concerns. (Staff contact: Mandy Mills, Community Services Department and Mickey Williams, Police Department)

City Manager's Recommendation: Receive the report and provide direction to staff.

ACTION: Motion by Mayor Blackburn, seconded by Council Member Burkholder, directing staff to compose a management plan before April 9, 2024 and be brought to Council before that time. The management plan should include;

- an amended guest policy for check in and check out
- one security guard for each site when staff is not available for check in and check out
- 24 hour monitored security - 4/1 (Luna – No).

Council Member Luna stated that she wanted more security at Windsor Pointe.

Motion by Mayor Blackburn, seconded by Council Member Burkholder, directing staff to;

- develop and implement a plan within 45 days to urge the County of San Diego to allow new Windsor Pointe residents housed under the No Place Like Home funding to start with a higher level of service with the option to move to a lower level if appropriate, rather than starting with minimal services and adding as needed.
- work with the city's Director of Intergovernmental Affairs and the city's contracted lobbyists, develop and implement a legislative advocacy strategy within 60 days to effectively lobby for supportive housing to be fully funded at the state and federal levels to provide adequate levels of service – 5/0.

10. CONTINUATION OF PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE, APPROVAL OF PLANS AND AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THIS EMERGENCY, CIP PROJECT NO. 6107 – 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, approving the plans and authorizing additional appropriations in the amount of \$955,000 for the Trieste Drive Slope Repair, Capital Improvement Program Project No. 6107. (Staff contact: Tom Frank, Public Works Department)

City Manager's Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2024-049 – 5/0.

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
Priya Bhat-Patel Mayor Pro Tem – District 3	SANDAG Board of Directors (2 nd alternate)
	SANDAG Shoreline Preservation Work Group (alternate)
	City/School Committee
	Clean Energy Alliance JPA
	Economic Development Subcommittee
Melanie Burkholder Council Member – District 1	League of California Cities – SD Division (alternate)
	North County Transit District
	SANDAG Board of Directors (1 st alternate)
	City Council Legislative Subcommittee
	North County Dispatch Joint Powers Authority (alternate)
Teresa Acosta Council Member – District 4	SANDAG Board of Directors
	Chamber of Commerce Liaison
	City Council Legislative Subcommittee
	City/School Committee
	Clean Energy Alliance JPA (alternate)
Carolyn Luna Council Member – District 2	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
	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: 8:57 p.m.

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

Written Materials

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

Visual Materials

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

Decorum

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

City Council Agenda

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

Presentations

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

Consent Items

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

Public Comment

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

Public Hearing

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

Departmental Reports

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

Other Reports

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

City Council Actions

Resolution

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

Ordinance

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

Motion

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