



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

March 26, 2024, 5 p.m.

Welcome to Your City Council Meeting

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

How to Watch

In Person



City Council Chamber
1200 Carlsbad Village Drive

On TV



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

Online



Watch the livestream at
carlsbadca.gov/watch

How to Participate

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

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

Reasonable Accommodations

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

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

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

CALL TO ORDER: 5 p.m.

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

ANNOUNCEMENT OF CONCURRENT MEETINGS: The City Council is serving as the Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 5.

PLEDGE OF ALLEGIANCE: Police Chief Mickey Williams led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Feb. 13, 2024

Minutes of the Special Meeting held Feb. 27, 2024

Minutes of the Special Meeting held March 12, 2024

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

PRESENTATIONS:

Proclamation in Recognition of Cesar Chavez Day

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

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

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

1. **DESIGNATING AGENTS TO ACT ON THE CITY'S BEHALF IN THE PROCESSING OF DISASTER CLAIMS RELATED TO THE ATMOSPHERIC RIVERS IN JANUARY AND FEBRUARY 2024** – Adoption of a resolution designating and authorizing agents to act on behalf of the city in the processing of disaster claims for the purpose of obtaining certain state and/or federal assistance related to the atmospheric rivers in January and February 2024 and any future disaster claims. (Staff contact: Zach Korach, Administrative Services Department)

ACTION: Adopted Resolution No. 2024-055 – 5/0.

2. **UPDATE ON STATUS OF NEGOTIATIONS TO RELOCATE SAN DIEGO GAS & ELECTRIC'S NORTH COAST SERVICE CENTER** – Adoption of a resolution extending the deadline for terminating negotiations to relocate SDG&E's North Coast Service Center beyond the City Council established March 31 2024, deadline by four months, to July 31, 2024, and directing staff to continue negotiations with SDG&E and NRG on the Seaside option and to return to the City Council by July 31, 2024, or sooner, with an agreement for the City Council's consideration. (Staff contact: Gary Barberio, Community Services Department and Cindie McMahan, City Attorney Department)

ACTION: Adopted Resolution No. 2024-056 – 5/0.

3. DESIGNATION OF SEVEN TREES AS HERITAGE TREES – Adoption of a resolution designating seven trees – four trees identified on city owned property and three trees identified on privately owned property – as heritage trees. (Staff contact: Todd Reese, Parks & Recreation Department)
ACTION: Adopted Resolution No. 2024-057 – 5/0.
4. AWARD A CONTRACT TO WRIGHT CONSTRUCTION ENGINEERING CORP FOR THE PARK DRIVE STREET AND DRAINAGE IMPROVEMENTS PROJECT, CIP PROJECT NO. 6611 – Adoption of a resolution accepting bids and awarding a contract to Wright Construction Engineering Corp for an amount not to exceed \$2,725,512 and authorizing additional appropriations in the amount of \$400,000 for the Park Drive Street and Drainage Improvements Project, CIP Project No. 6611. (Staff contact: Brandon Miles and Hossein Ajideh, Public Works Department)
ACTION: Adopted Resolution No. 2024-058 – 5/0.
5. AMENDMENT NO. 5 TO THE AGREEMENT WITH NV5 INC. FOR THE RECYCLED WATER PHASE III RESERVOIR PROJECT – Adoption of a Carlsbad Municipal Water District Board of Director’s resolution authorizing execution of Amendment No. 5 to the professional services agreement with NV5 Inc., to extend the agreement term and revise the labor rate schedule for the Recycled Water Phase III Reservoir Project. (Staff contact: Dave Padilla and Neil Irani, Public Works Department)
ACTION: Adopted CMWD Resolution No. 1730 – 5/0.
6. 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 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. (Staff contact: Tom Frank, Public Works Department)
ACTION: Adopted Resolution No. 2024-059 – 5/0.
7. 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)
ACTION: Adopted Resolution No. 2024-060 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS:

8. MAYORAL APPOINTMENT OF ONE MEMBER TO THE LIBRARY BOARD OF TRUSTEES – Adoption of a resolution appointing one member to the Library Board of Trustees. (Staff contact: Tammy McMinn, City Clerk Department)
ACTION: Adopted Resolution No. 2024-061 Appointing Katrina Waidelich – 5/0.
9. MAYORAL APPOINTMENT OF THREE MEMBERS TO THE ARTS COMMISSION –
 - 1) Adoption of a resolution appointing one member to the Arts Commission; and
 - 2) Adoption of a resolution appointing one member to the Arts Commission; and
 - 3) Adoption of a resolution appointing one member to the Arts Commission. (Staff contact: Tammy McMinn, City Clerk Department)**ACTION: Adopted Resolution No. 2024-062 Appointing Michelle Breyer; and
Adopted Resolution No. 2024-063 Appointing Gita Nassiri; and
Adopted Resolution No. 2024-064 Appointing Nora George – 5/0.**

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

10. ADOPTION OF ORDINANCE NO. CS-468 AMENDING CARLSBAD MUNICIPAL CODE CHAPTER 11.32 BY ADDING SECTION 11.32.035 TITLED SECURITY OF TGIF CONCERTS IN THE PARK – Adoption of Ordinance No. CS-468 “An Ordinance of the City Council of the City of Carlsbad, California, amending the Carlsbad Municipal Code, Title 11, Chapter 32 by adding Section 11.32.035 Security of TGIF Concerts in the Park.” (Staff contact: Sheila Cobian, City Manager Department)

City Manager’s Recommendation: Adopt Ordinance No. CS-468.

ACTION: Adopted Ordinance No. **CS-468 – 5/0.**

PUBLIC HEARINGS:

11. PUBLIC HEARING FOR THE ISSUANCE OF TAX-EXEMPT BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE BENEFIT OF METROPOLITAN AREA ADVISORY COMMITTEE FOR THE LAUREL TREE APARTMENTS – Adoption of a resolution approving the issuance of the California Municipal Finance Authority Multifamily Housing Revenue Bonds for the benefit of Metropolitan Area Advisory Committee on Anti-Poverty of San Diego County, Inc., or a subsidiary or affiliate thereof, in an aggregate principal amount not to exceed \$45,000,000 for the purpose of financing or refinancing the acquisition, rehabilitation, improvement and equipping of Laurel Tree Apartments, a multifamily rental housing project located in Carlsbad, California. (Staff contact: Mandy Mills, Community Services Department)

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

ACTION: Adopted Resolution No. **2024-065 – 5/0.**

DEPARTMENTAL AND CITY MANAGER REPORTS:

12. ADVERTISE FOR BIDS FOR THE TRAFFIC CALMING PLANS FOR PARK DRIVE, BLACK RAIL ROAD, PLUM TREE ROAD AND CARRILLO WAY – Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for implementing the traffic calming plans for Park Drive, Black Rail Road, Plum Tree Road and Carrillo Way. (John Kim, Public Works Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. **2024-066 – 4/0/1 (Burkholder – Abstain).**

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	Buena Vista Lagoon JPC
Mayor	Chamber of Commerce Liaison (alternate)
	Encina Joint Powers JAC
	Encina Wastewater Authority Board of Directors
	Economic Development Subcommittee
	SANDAG Board of Directors (2 nd alternate)

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

PUBLIC COMMENT: Continuation of the Public Comments

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

ANNOUNCEMENTS:

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

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

CITY CLERK COMMENTS:

ADJOURNMENT: 6:02 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.