



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

April 16, 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 will be serving as the Community Development Commission on Public Hearing Item No. 11, and as the Carlsbad Municipal Water District Board of Directors on Departmental and City Manager Report Item No. 15.

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

APPROVAL OF MINUTES:

Minutes of the Special Meeting held March 26, 2024

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

PRESENTATIONS:

Proclamation in recognition of the Carlsbad Green Business Program

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

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

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

1. **REPORT ON CITY INVESTMENTS AS OF FEB. 29, 2024** – Accept and file Report on City Investments as of Feb. 29, 2024. (Staff contact: Craig Lindholm and Zach Korach, Administrative Services Department)
ACTION: Council accepted and filed the Report.
2. **CITY OF CARLSBAD FISCAL YEAR 2022-23 ANNUAL FINANCIAL AUDIT RESULTS** – Receive and file a report on the city's fiscal year 2022-23 annual financial audit results. (Staff contact: Roxanne Muhlmeister, Administrative Services Department)
ACTION: Council received and filed the report.
3. **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARLSBAD AND THE CARLSBAD FRIENDS OF THE ARTS** – Adoption of a resolution approving a memorandum of understanding between the City of Carlsbad and the Carlsbad Friends of the Arts and authorizing the City Manager or designee to execute the memorandum of understanding. (Staff contact: Fiona Everett, Community Services Department)
ACTION: Adopted Resolution No. 2024-072 – 5/0.

4. AGREEMENT WITH MASTER CONCEPTS TO PROVIDE YOUTH BASKETBALL LEAGUE ADMINISTRATION SERVICES – Adoption of a resolution authorizing execution of an agreement with Master Concepts LLC, dba Master Sports, for youth basketball league administration services in an amount not to exceed \$360,000 per year for the initial two-year term of the agreement, and authorizing the City Manager, or designee, to appropriate \$55,000 from the General Fund to the Parks & Recreation Department’s Fiscal Year 2023-24 Operating Budget. (Staff contact: Kevin Gohres, Community Services Department)
ACTION: Adopted Resolution No. 2024-073 – 5/0.

5. APPROVAL OF VALLEY/MAGNOLIA UTILITY UNDERGROUNDING AGREEMENT WITH SDG&E (CIP PROJECT NO. 6019) – Adoption of a resolution authorizing the City Manager to execute an agreement with San Diego Gas & Electric to perform Rule 20A aerial-to-underground conversion of overhead utilities on Valley Street and Magnolia Avenue for an estimated amount of \$5,399,104 and authorizing additional appropriations in the amount of \$251,000 for the Valley and Magnolia Complete Streets Project, Capital Improvement Program Project No. 6019. (Staff contact: Eric Zielke and Hossein Ajideh, Public Works Department)
ACTION: Adopted Resolution No. 2024-074 – 5/0.

6. ADVERTISE FOR BIDS FOR THE EL CAMINO REAL WIDENING FROM SUNNY CREEK ROAD TO JACKSPAR DRIVE PROJECT AND ACCEPTANCE OF GRANT DEEDS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE PROJECT (CIP PROJECT NO. 6094) – Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the El Camino Real Widening from Sunny Creek Road to Jackspar Drive Project and accepting the grant deeds and the temporary construction easements with the owners of Assessor Parcel Nos. 209-060-48, 209-060-58 and 209-090-11 for the project. (Staff contact: Brandon Miles and Hossein Ajideh, Public Works Department)
ACTION: Adopted Resolution No. 2024-075 – 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 – 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. 2024-076 – 5/0.

8. 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. 2024-077 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

9. ORDINANCE NO. CS-469 – ANNUAL REPORT FOR AB 481 – Adoption of Ordinance No. CS-469 renewing the Police Department’s Military Equipment Use Policy, in accordance with California Assembly Bill 481. (Staff contact: Faviola Medina, City Clerk Department)

City Manager’s Recommendation: Adopt Ordinance No. CS-469.

ACTION: Adopted Ordinance No. CS-469 – 5/0.

10. ORDINANCE NO. CS-470 – CALIFORNIA COASTAL COMMISSION’S SUGGESTED MODIFICATIONS TO AMENDMENTS TO CARLSBAD MUNICIPAL CODE TITLE 21 – Adoption of Ordinance No. CS-470 acknowledging receipt of and approving the California Coastal Commission’s suggested modifications to the Local Coastal Program for ZCA 2022-0001/LCPA 2022-13 and ZCA 2022-0002/LCPA 2022-14. (Staff contact: Faviola Medina, City Clerk Department)

City Manager’s Recommendation: Adopt Ordinance No. CS-470.

ACTION: Adopted Ordinance No. CS-470 – 5/0.

PUBLIC HEARINGS:

11. CARLSBAD HOUSING AGENCY 2024-25 PUBLIC HOUSING AGENCY ANNUAL PLAN – 1) Hold a public hearing; and
2) Adoption of a Community Development Commission resolution approving the City of Carlsbad’s 2024-25 Public Housing Agency Annual Plan for Submission to the U.S. Department of Housing and Urban Development. (Staff contact: Christian Gutierrez, Community Services Department)

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

ACTION: Held a public hearing; and

Adopted Community Development Commission Resolution No. 565 – 5/0.

12. 2024 HAZARD REDUCTION PROGRAM - ABATEMENT – 1) Hold a public hearing; and
2) Adoption of a resolution authorizing abatement of weeds, rubbish and refuse upon private property under the terms of the City of Carlsbad’s Hazard Reduction Program and scheduling a public hearing on July 30, 2024, to consider the final Hazard Reduction Cost Report. (Staff contact: Randy Metz, Fire Department)

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

ACTION: Held a public hearing; and

Adopted Resolution No. 2024-078 – 5/0.

13. APPEAL OF A PLANNING COMMISSION DECISION TO APPROVE A MINOR CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A NEW WIRELESS COMMUNICATION FACILITY WITHIN POINSETTIA COMMUNITY PARK AND A RESOLUTION TO CONSIDER DIRECTING THE CITY MANAGER TO INITIATE NEGOTIATIONS FOR A LICENSE AGREEMENT WITH AT&T (CUP 2022-0023/CDP 2022-0070/DEV2022-0206) – 1) Hold a public hearing; and
2) Adopt a resolution denying an appeal and upholding a decision of the Planning Commission to approve a Minor Conditional Use Permit and Coastal Development Permit to allow the installation,

operation and maintenance of a wireless communication facility consisting of six panel antennas mounted within a 48-inch radome cylinder on a new 78-foot-tall light pole, which will replace an existing light pole, and associated ground equipment within an eight-foot tall enclosure in and adjacent to the northwest corner of the southern parking lot of Poinsettia Community Park generally located at 6600 Hidden Valley Road (assessor parcel number 214-140-13-00). The property is within the Mello II Segment of the Certified Local Coastal Program and Local Facilities Management Zone 20 (Case Name: Poinsettia Community Park Wireless Facility; Case No.: CUP 2022-0023/CDP 2022-0070 (DEV2022-0206)); and

3) Consider adopting a resolution directing the City Manager to initiate negotiations for a license agreement with AT&T for a wireless communication facility at Poinsettia Community Park. (Staff contact: Kyle Van Leeuwen and Curtis Jackson, Community Services Department)

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

ACTION: Held a public hearing; and

Adopted Resolution No. 2024-079 denying the appeal and upholding the decision of the Planning Commission – 4/0/1 (Acosta – No).

Minute Motion by Mayor Pro Tem Bhat-Patel, second by Council Member Acosta, directing staff to return to the City Council at a future meeting with revisions to Council Policy 64. Motion carried unanimously, 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

14. CLIMATE ACTION PLAN ANNUAL REPORT FOR REPORTING PERIOD 7, JAN. 1, 2023 – DEC. 31, 2023
Adoption of a resolution accepting the Climate Action Plan Annual Report for Reporting Period 7, Jan. 1, 2023 – Dec. 31, 2023. (Staff contact: Katie Hentrich, Public Works Department)

City Manager's Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2024-080 – 5/0.

15. UPDATE ON THE MAERKLE RESERVOIR SOLAR ENERGY STUDY – Receive an update on the Maerkle Reservoir Solar Study Project and provide input to staff on next steps. (Staff contact: Vicki Quiram, Public Works Department and Jason Haber, City Manager Department)

City Manager's Recommendation: Receive the update.

ACTION: Council received the update.

16. AUTHORIZING A TRANSFER OF FUNDS FROM A PUBLIC WORKS STORAGE FACILITY PROJECT TO THE ORION CENTER PROJECT AND APPROVING A DESIGN SERVICES AGREEMENT WITH CARRIER JOHNSON FOR THE ORION CENTER PROJECT (CIP PROJECT NO. 3572) – Adoption of a resolution authorizing and directing the City Manager, or designee, to transfer funds from the Public Works Storage Facility, Capital Improvement Program Project No. 4092, to the Orion Center Project, Capital Improvement Program Project No. 3572, removing Capital Improvement Program Project No. 4092 from the Capital Improvement Program Budget and authorizing a design services agreement with Carrier Johnson, a California Corporation, for the Orion Center Project, Capital Improvement Program Project No. 3572. (Staff contact: Steven Stewart and John Maashoff, Public Works Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2024-081 – 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
SANDAG Board of Directors (2nd 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 (1st 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: 8:24 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.