



CITY COUNCIL
Special Meeting
Agenda
April 23, 2024, 4 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

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 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.

PUBLIC COMMENT ON AGENDA ITEM:

CLOSED SESSION:

1. **CONFERENCE WITH LEGAL COUNSEL REGARDING REAL PROPERTY**

CONFERENCE REGARDING REAL PROPERTY NEGOTIATIONS
(Government Code Section 54956.8)

PROPERTY: APN 204-191-2200, Chestnut Apartments, 945 Chestnut Ave.

CITY NEGOTIATORS: Gary Barberio, Deputy City Manager
Mandy Mills, Housing & Homeless Services Director
Curtis Jackson, Real Estate Manager

NEGOTIATING PARTIES: Michael C. Megison and William Leech for Solutions for Change, Inc.

UNDER NEGOTIATION: Price and Terms

If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.

2. **CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION:** That the City Council, by motion, authorize a closed session to discuss significant exposure to litigation based on existing facts and circumstances regarding receipt of a claim against the city of Carlsbad, pursuant to Government Code Sections 54956.9(d)(2) and (e)(3).

Claimant: Mid-America Arts Alliance

ADJOURNMENT:



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024
To: Mayor and City Council
From: Cindie McMahon, City Attorney
Staff Contact: Mandy Mills, Housing & Homeless Services Director
mandy.mills@carlsbadca.gov, 442-339-2907
Subject: Conference with Legal Counsel Regarding Real Property
District: 1

Recommended Action

CONFERENCE REGARDING REAL PROPERTY NEGOTIATIONS
(Government Code Section 54956.8)

PROPERTY: APN 204-191-2200, Chestnut Apartments, 945 Chestnut Ave.

CITY NEGOTIATORS: Gary Barberio, Deputy City Manager
Mandy Mills, Housing & Homeless Services Director
Curtis Jackson, Real Estate Manager

NEGOTIATING PARTIES: Michael C. Megison and William Leech for
Solutions for Change, Inc

UNDER NEGOTIATION: Price and Terms

If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.



CITY COUNCIL
Staff Report

Meeting Date: April 23, 2024
To: Mayor and City Council
From: Cindie McMahon, City Attorney
Staff Contact: Ed Garbo, Risk Manager
Subject: Conference with Legal Counsel Regarding Significant Exposure to Litigation

Recommended Action

That the City Council, by motion, authorize a closed session to discuss significant exposure to litigation based on existing facts and circumstances regarding receipt of a claim against the city of Carlsbad, pursuant to Government Code sections 54956.9(d)(2) and (e)(3).

Claimant: Mid-America Arts Alliance

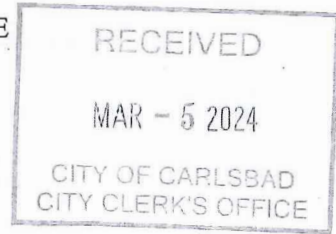
Exhibits:

1. Claim from Mid-America Arts Alliance dated March 5, 2024.

Date Distributed 3/5/2024
TO: City Attorney ✓
Risk Manager ✓
Administrative Services Director ✓

Date Received 3/5/2024
By: J. McMain
City Clerk's Office
Rec'd: Mail _____ Counter e-mail
Postmark Date: _____

SPACE ABOVE THIS LINE RESERVED FOR CITY USE



CLAIM AGAINST THE CITY OF CARLSBAD
(Government Code S910)

INSTRUCTIONS: Fill out claim form in detail. If more space is needed, use additional sheets of paper and identify the additional information by appropriate paragraph number. The claim must be signed under penalty of perjury and dated. **FILE THE COMPLETED CLAIM WITH THE CITY CLERK, 1200 CARLSBAD VILLAGE DRIVE, CARLSBAD, CALIFORNIA 92008-1989.**

1. Name of Claimant: Mid-America Arts Alliance

Address of Claimant: 2018 Baltimore Avenue, Kansas City, MO 64108

Phone Number: 816-421-1388

2. Name of person and mailing address to which person presenting claim desires notice to be sent: _____

Ivan Lundberg, 2018 Baltimore Avenue, Kansas City, MO 64108

3. Date, place and circumstances of the occurrence or transaction which gave rise to the claim:

a. Date: May 4, 2023 Time: _____

b. Place: (Street address): William D. Cannon Art Gallery, 1775 Dove Ln.

(Closest cross street) _____

(Other information describing place of occurrence) _____

6. Amount claimed:

- a. Amount claimed as of date of claim \$ 19,155.52
- b. Estimated amount of any future injury, damage or loss: \$ 0
- c. Total amount claimed: \$ 19,155.52

d. Basis of computation of amount claimed:

Labor and Materials cost to build new custom crates, and the cost of alternative shipping arrangements before the replacements were built.

7. Name and address of witnesses, doctor, hospitals, etc.

NAME ADDRESS PHONE

- a. _____
- b. _____
- c. _____

8. Additional information that might be helpful in considering claim:

9. If you have pictures, sketches, reports or other documents relating to the transaction or occurrence you may attach them to this claim.

10. Did you report the incident to any City employee or officer? If so, please identify the person and the date of the report.

No, We were notified of the incident by city employees. Richard Schultz and Tonya Rodzach on May 24, 2023

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as those matters stated upon information or belief and as to such matters I believe that same to be true. I certify under penalty of perjury that the foregoing is true and correct.

DATED: 1/25/24

AT: 1:40 PM CST



CLAIMANT

On May 23, Dan created a work order and assigned it to Jim Cochand to delivery the crates on May 30.

On May 24, Jim and Sean informed Dan the crates had been inadvertently disposed. Dan notified Brian Bacardi, PW Superintendent-Facilities who I immediately called Fiona Everett, Senior Management Analyst-LCA and informed her of the loss.

LCA and Facilities staff are continuing to work together, please see attached for a summary from last week.