



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

May 14, 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: City Council is serving as the City of Carlsbad City Council and the Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 5.

PLEDGE OF ALLEGIANCE: Council Member Luna led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held March 12, 2024

Minutes of the Regular Meeting held March 26, 2024

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

PRESENTATIONS: None.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: None.

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 MARCH 31, 2024** – Accept and file Report on City Investments as of March 31, 2024. (Staff contact: Craig Lindholm and Zach Korach, Administrative Services Department)
ACTION: Council accepted and filed the Report.
2. **SETTLEMENT OF WORKERS' COMPENSATION CLAIMS OF MICKEY WILLIAMS** – Adoption of a resolution authorizing settlement of the Workers' Compensation claims of Mickey Williams for \$86,605. (Staff contact: Sarah Reiswig and Judy von Kalinowski, Administrative Services Department)
ACTION: Adopted Resolution No. 2024-094 – 5/0.
3. **PURCHASE OF RICOH MULTI-FUNCTIONAL PRINTERS FROM RICOH USA, INC.** – Adoption of a resolution authorizing the City Manager or designee to execute all necessary documents to procure multi-function printers from Ricoh USA, Inc. in an amount not to exceed \$730,939.65. (Staff contact: Maria Callander and Mike Lesh, Administrative Services Department)
ACTION: Adopted Resolution No. 2024-095 – 5/0.
4. **RIGHT OF ENTRY PERMIT WITH THE CALIFORNIA DEPARTMENT OF PARKS & RECREATION FOR**

MAINTENANCE OF THE UPPER PICNIC FACILITIES AT TAMARACK STATE BEACH AND COASTAL BLUFF AT TAMARACK/FRAZEE STATE BEACH, AND FOR REIMBURSEMENT FOR PLAN REVIEWS OF TWO CITY PROJECTS, CIP PROJECT NOS. 3896 AND 6058 – Adoption of a resolution authorizing the execution of a right of entry permit with the California Department of Parks & Recreation to maintain the upper picnic facilities at Tamarack State Beach and the coastal bluff at Tamarack/Frazee State Beach, and to reimburse the state for plan reviews of two Capital Improvement Program projects that impact state property: Beach Access Repairs and Upgrades from Pine to Tamarack Avenues (CIP Project No. 3896), and Carlsbad Boulevard and Tamarack Avenue Intersection Improvements (CIP Project No. 6058). (Staff contact: Todd Reese, Community Services Department)

ACTION: Adopted Resolution No. 2024-096 – 5/0.

5. AWARD OF CONTRACT TO SEMA CONSTRUCTION, INC. AND AUTHORIZE AN ADDITIONAL APPROPRIATION OF FUNDS FOR CONSTRUCTION OF THE CARLSBAD BOULEVARD WATER AND SEWER LINE IMPROVEMENTS AT TERRAMAR PROJECT, INCLUDING AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH NORTH COUNTY TRANSIT DISTRICT, CIP PROJECT NOS. 5048 AND 5503-20 – 1) Adoption of a Carlsbad Municipal Water District Board of Directors resolution accepting bids, awarding a contract to SEMA Construction, Inc. for construction of the Carlsbad Boulevard Water Line Improvements at Terramar Project and appropriating additional funds in the amount of \$1,750,100 from the Water Connection Fund to Capital Improvement Program Project No. 5048; and 2) Adoption of a City Council resolution accepting bids and awarding a contract to SEMA Construction, Inc. for construction of the Carlsbad Boulevard Sewer Line Improvements at Terramar Project, Capital Improvement Program Project No. 5503-20; and 3) Adoption of a Carlsbad Municipal Water District Board of Directors resolution authorizing the Executive Manager to execute a license agreement between the North County Transit District and the Carlsbad Municipal Water District for the Carlsbad Boulevard Water Line Improvements at Terramar Project; and 4) Adoption of a Carlsbad Municipal Water District Board of Directors resolution delegating authority to the Executive Manager to file North County Transit District permit applications and execute license agreements for water district Capital Improvement Program projects; and 5) Adoption of a City Council resolution delegating authority to the City Manager to file North County Transit District permit applications and execute license agreements for city Capital Improvement Program projects. (Staff contact: Dave Padilla and Sean Diaz, Public Works Department)

ACTION: Adopted CMWD Resolution No. 1732

Adopted Resolution No. 2024-097

Adopted CMWD Resolution No. 1733

Adopted CMWD Resolution No. 1734

Adopted Resolution No. 2024-098 – 5/0.

6. AWARD OF CONTRACT TO AMTEK CONSTRUCTION FOR CONSTRUCTION OF THE POINSETTIA LIFT STATION GENERATOR REPLACEMENT PROJECT, CIP PROJECT NO. 3840-23 – Adoption of a resolution accepting bids and awarding a contract to AMTEK Construction for construction of the Poinsettia Lift Station Generator Replacement Project in an amount not to exceed \$370,340. (Staff contact: Dave Padilla and Zackry Taylor, Public Works Department)

ACTION: Adopted Resolution No. 2024-099 – 5/0.

7. AGREEMENT TO PURCHASE HABITAT MITIGATION BANK CREDITS FOR REMOVAL OF SEDIMENT AND VEGETATION IN THE BUENA VISTA CREEK CONCRETE CHANNEL NEAR EL CAMINO REAL – Adoption of a resolution authorizing an agreement to purchase 1.88 acres of habitat mitigation bank credits in the amount of \$1,222,000 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. 2024-100 – 5/0.

8. ADVERTISE FOR BIDS FOR THE 2023 SLURRY SEAL PROJECT, AND APPROVAL OF A ROADWAY RECONFIGURATION AND ASSOCIATED LEVEL OF SERVICE FOR NORTHBOUND AND SOUTHBOUND EL FUERTE STREET FROM FARADAY AVENUE TO PALOMAR AIRPORT ROAD, CIP PROJECT NO. 6001-23SS
Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for construction of the 2023 Slurry Seal Project and approving a roadway reconfiguration resulting in a level of service D for northbound and southbound El Fuerte Street from Faraday Avenue to Palomar Airport Road under Mobility Element Section 3-P.15. (Staff contact: Eric Zielke and Hossein Ajideh, Public Works Department)
ACTION: Adopted Resolution No. 2024-101 – 4/0/1 (Acosta – Abstain).

9. 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. 2024-102 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS:

10. MAYORAL APPOINTMENT OF TWO MEMBERS TO THE HISTORIC PRESERVATION COMMISSION –
 - 1) Adoption of a resolution appointing one member to the Historic Preservation Commission; and
 - 2) Adoption of a resolution appointing one member to the Historic Preservation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager’s Recommendation: Adopt the resolutions.

**ACTION: Adopted Resolution No. 2024-103 appointing Jamie Jacobs; and
Adopted Resolution No. 2024-104 appointing Patty Schreibman – 5/0.**

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARING: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

11. ECONOMIC AND FINANCIAL UPDATE FOR THE THIRD QUARTER OF FISCAL YEAR 2023-24 – 1) Receive a report on the economic and financial update for the third quarter of fiscal year 2023-24 and provide direction as appropriate; and
 - 2) Adopt a resolution authorizing the City Manager or designee to appropriate \$5,200,000 from the General Fund to transfer to the Risk Management Fund and to appropriate \$5,200,000 from the Risk

Management Fund for claims, settlement and reserves costs to the Fiscal Year 2023-24 Operating Budget. (Staff contact: Zach Korach and Matt Sanford, Administrative Services Department)

City Manager’s Recommendation: Receive the report, provide direction as appropriate and adopt the resolution.

**ACTION: Council received the report; and
Adopted Resolution No. 2024-105 – 5/0.**

12. REPORT REEVALUATING PROPOSITION H, BASED ON A RECOMMENDATION FROM THE CARLSBAD TOMORROW: GROWTH MANAGEMENT CITIZENS COMMITTEE AND IN RESPONSE TO CITY COUNCIL MOTION – Receive a report addressing City Council’s July 18, 2023, motion to discuss reevaluating Proposition H, based on a recommendation from the Carlsbad Tomorrow: Growth Management Citizens Committee, and provide direction. (Staff contact: Allegra Frost, City Attorney Department, Zach Korach, Administrative Services Department)

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

**ACTION: Received the report; and
Substitute Minute Motion by Council Member Burkholder, seconded by Council Member Luna directing staff to return to the City Council on June 11, 2024 with a recommended expenditure limit, tying it to an inflation index and also creating categories of exemption for public safety facilities – 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 (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: 6:29 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.