



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

May 21, 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.

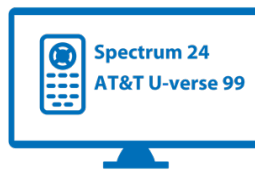
How to Watch

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 Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 1 and as the City of Carlsbad City Council, the Carlsbad Municipal Water District Board of Directors, the Public Financing Authority, the Community Development Commission, and City Council as Successor Agency to the Redevelopment Agency on Departmental and City Manager Reports Item No. 7.

PLEDGE OF ALLEGIANCE: City Attorney Cindie McMahon led the Pledge of Allegiance.

APPROVAL OF MINUTES: None.

PRESENTATIONS:

Proclamation in Recognition of Water Safety Month

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: City Attorney Cindie McMahon reported out that in a closed session this afternoon, the City Council voted unanimously to authorize the City Attorney's Office to file a cross complaint for indemnity and other causes of action against a co-defendant in the case of Jan Prins v. Kolbe del D Revocable Trust, et al., Superior Court Case No. 37-2024-00019163-CU-PO-NC.

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. **AMENDMENT NO. 3 TO AGREEMENT WITH DUDEK TO EXTEND THE TERM AND AUTHORIZE ADDITIONAL ENGINEERING SERVICES FOR THE EL FUERTE AND MAERKLE MOTORIZED VALVES PROJECT** – Adoption of a Carlsbad Municipal Water District Board of Directors resolution authorizing execution of Amendment No. 3 to the professional services agreement with Dudek to extend the agreement term and authorizing additional engineering services for the El Fuerte and Maerkle Motorized Valves Project. (Staff contact: Dave Padilla and Sean Diaz, Public Works Department)

ACTION: Adopted Carlsbad Municipal Water District Resolution No. 1735 – 5/0.

2. **AWARD OF CONTRACT TO COMMERCIAL & INDUSTRIAL ROOFING CO. INC. FOR THE LAS PALMAS ROOF REPLACEMENT PROJECT AND ADDITIONAL APPROPRIATION, CIP PROJECT NO. 4752** – Adoption of a resolution authorizing the purchase of roofing materials from Weatherproofing Technologies, Inc., and accepting bids and awarding a contract to Commercial & Industrial Roofing Co. Inc. for construction of

the Las Palmas Roof Replacement Project, in an amount not to exceed \$294,952, and authorizing an additional appropriation in the amount of \$130,000 from the Infrastructure Replacement Fund for construction of the project. (Staff contact: John Maashoff, Public Works Department)

ACTION: Adopted Resolution No. 2024-106 – 5/0.

3. 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. 2024-107 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARING: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

4. ANNUAL WORK PLANS FOR THE PLANNING COMMISSION AND HISTORIC PRESERVATION COMMISSION – 1) Adoption of a resolution accepting the Fiscal Year 2023-24 Planning Commission Work Plan Annual Report and approving the Fiscal Year 2024-25 Planning Commission Work Plan; 2) Adoption of a resolution accepting the Fiscal Year 2023-24 Historic Preservation Commission Work Plan Annual Report and approving the Fiscal Year 2024-25 Historic Preservation Commission Work Plan. (Staff contact: Eric Lardy and Mike Strong, Community Services Department)

City Manager’s Recommendation: Adopt the resolutions.

**ACTION: Adopted Resolution No. 2024-108; and
Adopted Resolution No. 2024-109 – 5/0.**

Minute Motion by Council Member Burkholder, seconded by Council Member Luna, to direct staff to develop a series of options for the regulation of drive-thru facilities ranging from a continued ban to citywide allowance and have these options presented to the Planning Commission and the Economic Development Subcommittee for their recommendation before returning to the City Council for consideration and possible direction – 5/0.

5. ANNUAL WORK PLAN FOR THE COMMUNITY-POLICE ENGAGEMENT COMMISSION – Adoption of a resolution approving the Community-Police Engagement Commission Work Plan for Fiscal Year 2024-25. (Staff contact: Sheila Cobian, City Manager Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2024-110 – 5/0.

6. ACQUISITION OF REAL PROPERTY AT 945 CHESTNUT AVENUE FROM SOLUTIONS FOR CHANGE,

CONSIDERATION OF A REQUEST FOR PROPOSALS TO IDENTIFY A NEW OWNER FOR THE CONTINUED USE OF PROPERTY AS AN AFFORDABLE HOUSING PROJECT AND DECLARATION OF THE PROPERTY TO BE EXEMPT SURPLUS LAND – 1) Adoption of a resolution authorizing the City Manager to execute all documents necessary to complete the acquisition of 945 Chestnut Avenue from Solutions for Change, and authorizing the City Clerk to execute the certificate of acceptance and consent to the recording of the grant deed to complete the property transfer; and

2) Adoption of a resolution authorizing the City Manager to release a request for proposals with the intent to identify a new owner for the 100 percent affordable housing project at 945 Chestnut Avenue; and

3) Adoption of a resolution declaring the property located at 945 Chestnut Avenue as exempt surplus land in accordance with California Government Code Sections 54221(f)(1)(A) and 37364. (Staff contact: Mandy Mills, Community Services Department)

City Manager’s Recommendation: Adopt the resolutions.

**ACTION: Adopted Resolution No. 2024-111; and
Adopted Resolution No. 2024-112; and
Adopted Resolution No. 2024-113 – 5/0.**

7. FISCAL YEAR 2024-25 PRELIMINARY OPERATING BUDGET, STRATEGIC DIGITAL TRANSFORMATION INVESTMENT PROGRAM AND CAPITAL IMPROVEMENT PROGRAM, FISCAL YEAR 2024-25 MASTER FEE SCHEDULE AND UPDATES TO CITY COUNCIL POLICY STATEMENT NO. 95 – COST RECOVERY POLICY FOR FEES AND CHARGES FOR SERVICES – 1) Receive the report; and

2) Adoption of a resolution setting a public hearing for June 18, 2024, for adoption of the Fiscal Year 2024-25 Operating, Strategic Digital Transformation Investment Program and Capital Improvement Program budgets; Carlsbad’s share of the Encina Wastewater Authority operating and capital budgets; the Gann spending limit for fiscal year 2024-25; and changes to the Master Fee Schedule; and determining the Fiscal Year 2024-25 Capital Improvement Plan Budget is consistent with the General Plan and applicable Climate Action Plan measures and actions; and

3) Adoption of a Carlsbad Municipal Water District Board of Directors resolution setting a public hearing for June 18, 2024, for adoption of the Fiscal Year 2024-25 Operating and Capital Improvement Program budgets and changes to the Master Fee Schedule; and

4) Adoption of a Public Financing Authority Board of Directors resolution setting a public hearing for June 18, 2024, for adoption of the Fiscal Year 2024-25 Operating and Capital Improvement Program Budgets for The Crossings at Carlsbad Municipal Golf Course; and

5) Adoption of a Community Development Commission resolution setting a public hearing for June 18, 2024, for adoption of the Fiscal Year 2024-25 Operating Budget of the Carlsbad Housing Authority; and

6) Adoption of a City of Carlsbad as the Successor Agency for the Carlsbad Redevelopment Agency resolution setting a public hearing for June 18, 2024, for adoption of the Fiscal Year 2024-25 Operating Budget of the Successor Agency. (Staff contact: Laura Rocha and Zach Korach, Administrative Services Department)

City Manager’s Recommendation: Adopt the resolutions.

**ACTION: Adopted Resolution No. 2024-114; and
Adopted Carlsbad Municipal Water District Board of Directors Resolution No. 1736; and**

**Adopted Public Financing Authority Board of Directors Resolution No. 96; and
Adopted Community Development Commission Resolution No. 566; and
Adopted Carlsbad Redevelopment Agency Resolution No. 2024-115 – 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: 8:34 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.