



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

June 18, 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](https://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](mailto: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, 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 Public Hearing Item No. 11.

**PLEDGE OF ALLEGIANCE:** Senior Assistant City Attorney Allegra Frost led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** None.

**PRESENTATIONS:**

Proclamation in Recognition of 3<sup>rd</sup> Grade Art Contest  
Proclamation in Recognition of Juneteenth

**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. **DECLARING THE EXISTENCE OF A CITY TREASURER VACANCY AND CALLING THE NOV. 5, 2024, MUNICIPAL ELECTION** – 1) Adoption of a resolution declaring the existence of a City Treasurer vacancy; and  
2) Adoption of a resolution calling for and giving notice of the special municipal election to be held on Tuesday, Nov. 5, 2024, for the purpose of electing a City Treasurer for a term ending November 2026; and  
3) Adoption of a resolution calling and giving notice of the general municipal election to be held on Tuesday, Nov. 5, 2024, for the purpose of electing a City Council Member District 2 and City Council Member District 4 for terms ending November 2028; and  
4) Adoption of a resolution requesting that the San Diego County Board of Supervisors consolidate the general municipal election with the statewide general election to be held on Tuesday, Nov. 5, 2024; and  
5) Adoption of a resolution requesting that the San Diego County Board of Supervisors consolidate the

special municipal election with the statewide general election to be held on Tuesday, Nov. 5, 2024; and

6) Adoption of a resolution approving regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at the general and special municipal elections to be held in the City of Carlsbad on Tuesday, Nov. 5, 2024. (Staff contact: Faviola Medina, City Clerk Department, and Sheila Cobian, City Manager Department)

**ACTION: Adopted Resolution No. 2024-126; and  
Adopted Resolution No. 2024-127; and  
Adopted Resolution No. 2024-128; and  
Adopted Resolution No. 2024-129; and  
Adopted Resolution No. 2024-130; and  
Adopted Resolution No. 2024-131 – 5/0.**

2. COMPLIANCE REPORT FOR ANNUAL FIRE INSPECTIONS – Adoption of a resolution accepting a compliance report on the status of all state-mandated annual fire inspections in the City of Carlsbad. (Staff contact: Darcy Davidson, Fire Department)

**ACTION: Adopted Resolution No. 2024-132 – 5/0.**

3. PURCHASE OF PROPERTY INSURANCE COVERAGE – Adoption of a resolution approving the purchase of \$100 million of property insurance coverage through AON for fiscal year 2024-25 for an amount not to exceed \$647,396. (Staff contact: Ed Garbo, Administrative Services Department)

**ACTION: Adopted Resolution No. 2024-133 – 5/0.**

4. PURCHASE OF EXCESS LIABILITY INSURANCE COVERAGE – Adoption of a resolution approving the purchase of a maximum of \$43 million of excess liability insurance coverage through California Insurance Pool Authority for fiscal year 2024-2025 for an amount not to exceed \$1,258,000. (Staff contact: Ed Garbo, Administrative Services Department)

**ACTION: Adopted Resolution No. 2024-134 – 5/0.**

5. SETTLEMENT OF WORKERS' COMPENSATION CLAIM OF MICHAEL BRAUN – Adoption of a resolution approving the settlement of the workers' compensation claim of Michael Braun for \$70,484. (Staff contact: Sarah Reiswig and Judy von Kalinowski, Administrative Services Department)

**ACTION: Adopted Resolution No. 2024-135 – 5/0.**

6. ACQUISITION AND RESALE OF TWO UNITS AS PART OF THE CITY'S AFFORDABLE HOUSING RESALE PROGRAM – Adoption of a resolution authorizing the City Manager to execute all required documents to complete the purchase and resale of two at-risk affordable housing units, 2591 State Street, No. 200 and 6042 Colt Place, No. 301, as part of the City's Affordable Housing Resale Program and authorizing the City Manager, or designee, to appropriate \$633,000 from the Community Development Block Grant Fund for related costs. (Staff contact: Erin Peak, Community Services Department)

**ACTION: Adopted Resolution No. 2024-136 – 5/0.**

7. AWARD OF CONTRACT TO QUALITY CONSTRUCTION & ENGINEERING, INC. FOR THE TRAFFIC CALMING PLANS FOR PARK DRIVE, BLACK RAIL ROAD, PLUM TREE ROAD AND CARRILLO WAY, CIP PROJECT NO. 6070 – Adoption of a resolution accepting bids and awarding a construction contract to Quality Construction & Engineering, Inc. for the traffic calming plans for Park Drive, Black Rail Road, Plum Tree Road and Carrillo Way, Capital Improvement Program Project No. 6070, in an amount not to exceed \$247,922. (Staff contact: John Kim, Public Works Department)

**ACTION: Adopted Resolution No. 2024-137 – 4/0/1 (Burkholder – Abstain).**

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. 2024-138 – 5/0.**

#### **BOARD AND COMMISSION MEMBER APPOINTMENTS:**

9. DISTRICT 1 APPOINTMENT OF ONE MEMBER TO THE PARKS & RECREATION COMMISSION – Adoption of a resolution appointing one member to the Parks & Recreation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

**City Manager’s Recommendation:** Adopt the resolution.

**ACTION: Adopted Resolution No. 2024-139, appointing James Revell to the Parks & Recreation Commission – 3/2 (Bhat-Patel, Luna – No).**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:** None.

#### **PUBLIC HEARING:**

10. TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2024-25 THROUGH 2028-29 AND TRANSFER OF FUNDS BETWEEN TRANSNET PROJECTS – 1) Hold a public hearing; and

2) Adoption of a resolution approving the Carlsbad TransNet Local Street Improvement Program of Projects for fiscal years 2024-25 through 2028-29 for inclusion in the 2025 San Diego Association of Governments Regional Transportation Improvement Program; and

3) Adoption of a resolution authorizing the transfer of funds between TransNet projects. (Staff contact: Hossein Ajideh, Public Works Department)

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

**ACTION: Held the public hearing; and  
Adopted Resolution No. 2024-140; and  
Adopted Resolution No. 2024-141 – 5/0.**

11. ADOPTION OF THE FISCAL YEAR 2024-25 OPERATING BUDGET, STRATEGIC DIGITAL TRANSFORMATION INVESTMENT PROGRAM AND CAPITAL IMPROVEMENT PROGRAM, THE FISCAL YEAR 2024-25 APPROPRIATION LIMIT AND REVISION OF FEES AND CHARGES FOR SERVICES, AND UPDATES TO CITY COUNCIL POLICY STATEMENT NO. 95 – COST RECOVERY POLICY FOR FEES AND CHARGES FOR SERVICES

- 1) Hold a public hearing; and
- 2) Adoption of a resolution adopting the final Operating Budget, Strategic Digital Transformation Investment Program and Capital Improvement Program for FY 2024-25 for the City of Carlsbad and establishing controls on changes in appropriations for budget funds; and
- 3) Adoption of a Carlsbad Municipal Water District Board of Directors resolution adopting the water district's final Operating Budget, Strategic Digital Transformation Investment Program and Capital Improvement Program for FY 2024-25 and establishing controls on changes in appropriations for budget funds; and
- 4) Adoption of a Community Development Commission resolution adopting the final Operating Budget of the Carlsbad Housing Authority for FY 2024-25 and establishing controls on changes in appropriations for budget funds; and
- 5) Adoption of a Public Financing Authority Board of Directors resolution adopting the final Operating Budget and Capital Improvement Program of The Crossings at Carlsbad Municipal Golf Course for FY 2024-25 and establishing controls on changes in appropriations for budget funds; and
- 6) Adoption of a City Council of the City of Carlsbad, acting as the Successor Agency for the Carlsbad Redevelopment Agency resolution adopting the final Operating Budget of the successor agency and the enforceable debt obligations of the City of Carlsbad's Redevelopment Obligation Retirement Fund for FY 2024-25 and establishing controls on changes in appropriations for budget funds; and
- 7) Adoption of a resolution establishing the FY 2024-25 appropriation limit as required by Article XIII B of the California State Constitution and state law; and
- 8) Adoption of a resolution adopting changes to the Master Fee Schedule; and
- 9) Adoption of a Carlsbad Municipal Water District Board of Directors resolution adopting changes to the Master Fee Schedule; and
- 10) Adoption of a Community Development Commission resolution adopting changes to the Master Fee Schedule; and
- 11) Adoption of a resolution approving City Council Policy Statement No. 95 updates to the Cost Recovery Policy for fees and charges for services; and
- 12) Adoption of a Carlsbad Municipal Water District Board of Directors resolution approving City Council Policy Statement No. 95 updates to the Cost Recovery Policy for fees and charges for services; and
- 13) Adoption of a Community Development Commission resolution approving City Council Policy Statement No. 95 updates to the Cost Recovery Policy for fees and charges for services; and
- 14) Adoption of a resolution designating \$17,500,00 of the city's unassigned fund balance in the General Fund as of July 1, 2024, for asset replacement; and
- 15) Adoption of a resolution approving the City of Carlsbad's share of the FY 2024-25 Operating and Capital Budgets of the Encina Wastewater Authority; and
- 16) Adoption of a resolution determining that the FY 2024-25 Capital Improvement Program is consistent with the General Plan and applicable Climate Action Plan measures and actions; and

- 17) Adoption of a resolution adopting a list of projects and authorizing the allocation of Road Maintenance and Rehabilitation Account funds to the pavement management and concrete replacement programs for fiscal year 2024-25; and
- 18) Adoption of a resolution authorizing a budget amendment to the Tyler Court Apartment Fund for emergency repairs at the Tyler Court Senior Apartments. (Staff contact: Laura Rocha and Zach Korach, Administrative Services Department)

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

**ACTION: Adopted Resolution No. 2024-142; and**

**Adopted Carlsbad Municipal Water District Board of Directors Resolution No. 1740; and  
Adopted Community Development Commission Resolution No. 567; and  
Adopted Public Financing Authority Board of Directors Resolution No. 97; and  
Adopted Carlsbad Redevelopment Agency Resolution No. 2024-143; and  
Adopted Resolution No. 2024-144; and  
Adopted Resolution No. 2024-145; and  
Adopted Carlsbad Municipal Water District Board of Directors Resolution No. 1741; and  
Adopted Community Development Commission Resolution No. 568; and  
Adopted Resolution No. 2024-146; and  
Adopted Carlsbad Municipal Water District Board of Directors Resolution No. 1742; and  
Adopted Carlsbad Community Development Commission Resolution No. 569; and  
Adopted Resolution No. 2024-147; and  
Adopted Resolution No. 2024-148; and  
Adopted Resolution No. 2024-149; and  
Adopted Resolution No. 2024-150; and  
Adopted Resolution No. 2024-151 – 5/0.**

#### **DEPARTMENTAL AND CITY MANAGER REPORTS:**

12. **PROPOSITION H BALLOT MEASURE** – Adoption of a resolution calling a municipal election to submit a ballot measure to the voters to amend the city charter and Carlsbad Municipal Code Chapter 1.24 to increase the expenditure limit, add inflation index to the limit, and exempt public safety facilities from the limit; requesting consolidation services from the San Diego County Board of Supervisor; directing the preparation of an impartial analysis; and establishing procedures for ballot arguments and rebuttals. (Staff contact: Cindie McMahan, City Attorney Department, Faviola Medina, City Clerk Department, and Sheila Cobian, City Manager Department)

**City Manager’s Recommendation:** Adopt the resolution.

**ACTION: Adopted Resolution No. 2024-152 – 3/2 (Burkholder, Luna – No).**

**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<sup>nd</sup> 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<sup>st</sup> 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:** 7:03 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](mailto: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.