



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

June 25, 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:**

**ROLL CALL:**

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** City Council is serving as the Carlsbad Municipal Water District Board of Directors on Public Hearing Item No. 11 and Departmental and City Manager Report Item No. 15.

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** None.

**PRESENTATIONS:**

Recognition of a donation from the Carlsbad Library & Arts Foundation

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:**

**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. **DONATION FROM THE CARLSBAD LIBRARY & ARTS FOUNDATION** – Adoption of a resolution accepting a donation of \$165,000 from the Carlsbad Library & Arts Foundation to the City of Carlsbad's Library & Cultural Arts Department. (Staff contact: Suzanne Smithson, Community Services Department)
2. **GRANT AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AGREEMENTS WITH COMMUNITY RESOURCE CENTER FOR HOMELESS SERVICES** – 1) Adoption of a resolution authorizing the City Manager to execute a grant agreement in the amount of \$436,090 and related program documents with the Department of Housing and Urban Development's Continuum of Care Program; and  
2) Adoption of a resolution approving a professional services agreement in the amount of \$375,755 with Community Resource Center to provide supportive housing services; and  
3) Adoption of a resolution approving a professional services agreement in the amount of \$140,000 with Community Resource Center to provide employment and benefits services to assist individuals and households experiencing homelessness in the City of Carlsbad. (Staff contact: Chris Shilling, Community Services Department)
3. **DISESTABLISHING THE CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT UNDER THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989** – Adoption of a resolution declaring its intention to repeal Carlsbad Municipal Code Chapter 3.38 and disestablish the Carlsbad Golf Lodging Business Improvement District established in 2012 and fixing the time and place of a public hearing. (Staff contact: Matt Sanford, Administrative Services Department)

4. ADVERTISE FOR BIDS FOR THE FLEET FUEL ISLAND UPGRADE PROJECT (CIP PROJECT NO. 4747)  
Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Fleet Fuel Island Upgrade Project. (Staff contact: Steven Stewart, Public Works Department)
5. FIFTH AMENDED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM SAN DIEGO REGIONAL STORMWATER COPERMITTEES MEMORANDUM OF UNDERSTANDING 2024 – Adoption of a resolution authorizing the Mayor to execute the fifth amended National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding 2024. (Staff contact: Tim Murphy and James Wood, Public Works Department)
6. MEMORANDUM OF UNDERSTANDING BETWEEN THE VALLECITOS WATER DISTRICT AND THE CITY OF CARLSBAD FOR OPERATION AND MAINTENANCE OF FIRE HYDRANTS – Adoption of a resolution approving a memorandum of understanding between the Vallecitos Water District and the City of Carlsbad for operation and maintenance of fire hydrants within the city limits and within the Vallecitos Water District service area. (Staff contact: Dave Padilla and Eric Sanders, Public Works Department)
7. CONTINUATION OF PROCLAMATION OF A STORM-RELATED LOCAL EMERGENCY FOR REPAIR OF THE SLOPE BETWEEN EL CAMINO REAL AND TRIESTE DRIVE (CIP PROJECT NO. 6107) – 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 and authorizing additional appropriations in the amount of \$453,000 for the Trieste Drive Slope Repair, Capital Improvement Program Project No. 6107. (Staff contact: Tom Frank, Public Works Department)

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

8. DISTRICT 4 APPOINTMENT OF ONE MEMBER TO THE PLANNING COMMISSION – Adoption of a resolution appointing one member to the Planning Commission. (Staff contact: Tammy McMinn, City Clerk Department)

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

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:** None.

#### **PUBLIC HEARING:**

9. VARIANCE AND COASTAL DEVELOPMENT PERMIT FOR UNPERMITTED RETAINING WALLS AT 939 BEGONIA COURT (V 2023-0002/CDP 2023-0016) – 1) Hold a public hearing; and  
2) Adoption of a resolution denying a variance and a costal development permit application to allow unpermitted retaining walls that exceed the standards of the Hillside Development Regulations on property located at 939 Begonia Court within the Mello II Segment of the city’s Local Coastal Program and Local Facilities Management Zone Four (Case Name: Begonia Court Retaining Wall; Case No.: CDP 2023-0016/ V 2023-0002 (DEV 2020-0134)). (Staff contact: Kyle Van Leeuwen, Community Development Department)

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

10. FISCAL YEAR 2022-23 GROWTH MANAGEMENT PROGRAM MONITORING REPORT – 1) Hold a public hearing; and  
2) Adoption of a resolution accepting the Fiscal Year 2022-23 Growth Management Program Monitoring Report and finding that it satisfies the city’s monitoring requirements. (Staff contact: Jennifer Jesser, Community Services Department)

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

11. CODIFYING ORDINANCES OF THE CARLSBAD MUNICIPAL WATER DISTRICT CODE – 1) Hold a public hearing; and  
2) Introduction of a Carlsbad Municipal Water District Board of Directors ordinance codifying, restating and amending Ordinances No. 1 through No. 48, except any ordinance previously repealed of the Carlsbad Municipal Water District Code, and  
3) Adoption of a Carlsbad Municipal Water District Board of Directors resolution to repeal the Administrative Code for the Carlsbad Municipal Water District. (Staff contact: Shoshana Aguilar, Public Works Department and Gina Herrera, City Attorney Department)

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

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

12. NORTH COUNTY TRANSIT DISTRICT UPDATE – Receive an update from North County Transit District Chief Executive Officer Shawn Donaghy and provide feedback. (Staff contact: Jason Haber, City Manager Department)

**City Manager’s Recommendation:** Receive the update.

13. HOMELESSNESS ACTION PLAN FISCAL YEAR 2023-24 SEMI-ANNUAL REPORT AND 2024 POINT-IN-TIME COUNT DATA – Receive a report and provide direction to staff as necessary on the semi-annual Homelessness Action Plan data and the latest 2024 Point-in-Time Count results. (Staff contact: Mandy Mills and Chris Shilling, Community Services Department)

**City Manager’s Recommendation:** Receive the report and provide direction as necessary.

14. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARLSBAD, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, AND THE NORTH COUNTY TRANSIT DISTRICT REGARDING THE PURSUIT OF GRANT FUNDING FOR THE CARLSBAD VILLAGE RAILROAD TRENCH PROJECT – Adoption of a resolution authorizing the City Manager to execute a memorandum of understanding between the San Diego Association of Governments, the City of Carlsbad and the North County Transit District regarding the pursuit of grant funding for the Carlsbad Village Railroad Trench Project. (Staff contact: Jason Haber, City Manager Department)

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

15. PROPOSAL FROM THE SAN DIEGO COUNTY WATER AUTHORITY FOR PREPAYMENT OF FIXED CHARGES

Receive a report on the proposal from the San Diego County Water Authority for prepayment of fixed charges and provide direction to staff on how to proceed with the proposal. (Staff contact: Dave Padilla and Shoshana Aguilar, Public Works Department)

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

**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)**

- |   |  |
|---|--|
| <b>Keith Blackburn</b><br><b>Mayor</b>                          | Buena Vista Lagoon JPC<br>Chamber of Commerce Liaison (alternate)<br>Encina Joint Powers JAC<br>Encina Wastewater Authority Board of Directors<br>Economic Development Subcommittee<br>SANDAG Board of Directors (2 <sup>nd</sup> alternate)<br>SANDAG Shoreline Preservation Work Group (alternate)   |
| <b>Priya Bhat-Patel</b><br><b>Mayor Pro Tem – District 3</b>    | City/School Committee<br>Clean Energy Alliance JPA<br>Economic Development Subcommittee<br>League of California Cities – SD Division (alternate)<br>North County Transit District<br>SANDAG Board of Directors (1 <sup>st</sup> alternate)   |
| <b>Melanie Burkholder</b><br><b>Council Member – District 1</b> | City Council Legislative Subcommittee<br>North County Dispatch Joint Powers Authority (alternate)<br>SANDAG Board of Directors   |
| <b>Teresa Acosta</b><br><b>Council Member – District 4</b>      | Chamber of Commerce Liaison<br>City Council Legislative Subcommittee<br>City/School Committee<br>Clean Energy Alliance JPA (alternate)<br>Encina Joint Powers JAC (alternate)<br>Encina Wastewater Authority Board of Directors (alternate)<br>League of California Cities – SD Division<br>North County Dispatch Joint Powers Authority<br>San Diego County Water Authority |
| <b>Carolyn Luna</b><br><b>Council Member – District 2</b>       | Buena Vista Lagoon JPC<br>Encina Joint Powers JAC<br>Encina Wastewater Authority Board of Directors<br>North County Transit District (alternate)<br>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:**

## **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.