



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

July 16, 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.  
Absent: 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. 6, and the Carlsbad Municipal Water District Board of Directors on Ordinance for Adoption Item No. 10.

**PLEDGE OF ALLEGIANCE:** City Manager Scott Chadwick led the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Minutes of the Regular Meeting Held on April 16, 2024  
Minutes of the Regular Meeting Held on April 23, 2024  
Minutes of the Regular Meeting Held on May 7, 2024

**ACTION: Minutes were approved as presented – 4/0/1 (Luna – Absent).**

**PRESENTATIONS:**

Recognition of a donation from the Carlsbad Friends of the Arts  
Recognition of a donation from the Friends of the Carlsbad Library

**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. **DONATION FROM THE CARLSBAD FRIENDS OF THE ARTS** – Adoption of a resolution accepting a donation of \$35,000 from the Carlsbad Friends of the Arts to the City of Carlsbad Library & Cultural Arts Department. (Staff contact: Suzanne Smithson, Community Services Department)  
**ACTION: Adopted Resolution No. 2024-166 - 4/0/1 (Luna – Absent).**
2. **DONATION FROM THE FRIENDS OF THE CARLSBAD LIBRARY** – Adoption of a resolution accepting a donation of \$100,000 from the Friends of the Carlsbad Library to the City of Carlsbad Library & Cultural Arts Department. (Staff contact: Suzanne Smithson, Community Services Department)  
**ACTION: Adopted Resolution No. 2024-167 - 4/0/1 (Luna – Absent).**

3. ESTABLISH FISCAL YEAR 2024-25 SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 1  
Adoption of a resolution establishing the fiscal year 2024-25 special taxes for Community Facilities District No. 1. (Staff contact: Roxanne Muhlmeister, Administrative Services Department)  
**ACTION: Adopted Resolution No. 2024-168 - 4/0/1 (Luna – Absent).**
  
4. FIFTH AMENDMENT TO THE RETAIL LEASE AGREEMENT WITH HOUSE MARTEL, LLC TO EXTEND THE EXISTING LEASE AGREEMENT FOR THE CHAPTERS CAFÉ AT THE CITY LIBRARY – Adoption of a resolution approving the ratification of the fifth amendment to the retail lease agreement with House Martel, LLC to extend the lease agreement for a period of five years for the Chapters Café at the Carlsbad City Library, extending the payoff date of the deferred rent payments until the end of the amended term and authorizing the City Manager to execute the lease amendment and to act on behalf of the City of Carlsbad in all future decisions and actions necessary to implement the amendment. (Staff contact: Curtis Jackson, Community Services Department)  
**ACTION: Adopted Resolution No. 2024-169 - 4/0/1 (Luna – Absent).**
  
5. LEASE AGREEMENT WITH THE MAAC PROJECT TO OPERATE A HEAD START PRESCHOOL PROGRAM AT 3368 EUREKA PLACE – Adoption of a resolution authorizing the execution of a lease agreement with Metropolitan Area Advisory Committee on Anti-Poverty in San Diego County, Inc. dba MAAC Project, to operate a Head Start preschool program at the city-owned property located at 3368 Eureka Place. (Staff contact: Curtis Jackson, Community Services Department)  
**ACTION: Adopted Resolution No. 2024-170 - 4/0/1 (Luna – Absent).**
  
6. AMENDMENT TO THE AGREEMENT FOR SYSTEM INTEGRATOR SERVICES TO REPLACE THE WATER AND WASTEWATER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEMS – 1) Adoption of a Carlsbad Municipal Water District Board of Directors resolution approving Amendment No. 1 to the professional services agreement with Partners in Control, Inc., dba Enterprise Automation, for system integrator services for Phase 1 of the project to replace the water and wastewater supervisory control and data acquisition systems; and  
2) Adoption of a City Council resolution authorizing the use of the Sewer Replacement Fund for the city’s portion of Amendment No. 1 to the professional services agreement with Partners in Control, Inc., dba Enterprise Automation, for system integrator services for Phase 1 of the project to replace the water and wastewater supervisory control and data acquisition systems. (Staff contact: Kyle James and Stephanie Harrison, Public Works Department)  
**ACTION: Adopted Carlsbad Municipal Water District Board of Directors Resolution No. 1744; and Adopted Resolution No. 2024-171 - 4/0/1 (Luna – Absent).**
  
7. AWARD OF CONTRACT TO VSS INTERNATIONAL, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE 2023 SLURRY SEAL PROJECT, CIP PROJECT NO. 6001-23SS – 1) Adoption of a resolution accepting bids and awarding a construction contract to VSS International, Inc. in an amount not to exceed \$6,640,120 for the 2023 Slurry Seal Project, Capital Improvement Program Project No. 6001-23SS; and  
2) Adoption of a resolution authorizing execution of a professional services agreement with Reddy Engineering Services, Inc. to provide construction management, inspection, and materials testing services in an amount not to exceed \$415,379 for the 2023 Slurry Seal Project, Capital Improvement Program Project No. 6001-23SS. (Staff contact: Eric Zielke, Hossein Ajideh and Emily Hasegawa, Public Works Department)

**ACTION: Adopted Resolution No. 2024-172; and  
Adopted Resolution No. 2024-173 - 4/0/1 (Luna – Absent).**

8. TERMINATION 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 terminating 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. 2024-174 - 4/0/1 (Luna – Absent).**

**BOARD AND COMMISSION MEMBER APPOINTMENTS: None.**

**ORDINANCES FOR INTRODUCTION:**

9. RESTRICTING OVERNIGHT PARKING ON BABILONIA STREET – 1) Introduction of an ordinance amending Title 10, Chapter 10.40 of the Carlsbad Municipal Code by adding Section 10.40.303 to restrict parking along the west curb line of Babilonia Street, from the south property line of 7151 Babilonia Street to the north property line of 7233 Babilonia Street between the hours of 11 p.m. and 5 a.m.; or  
2) Introduction of an ordinance amending Title 10, Chapter 10.40 of the Carlsbad Municipal Code by adding Section 10.40.303 to restrict parking along the west and east curb lines of Babilonia Street, from the south property line of 7151 Babilonia Street to the north property line of 7233 Babilonia Street between the hours of 11 p.m. to 5 a.m. (Staff contact: Alonso DeVelasco, Police Department)

**City Manager’s Recommendation:** Introduce one of the proposed ordinances.

**ACTION: Introduced Ordinance No. CS-471, amending Title 10, Chapter 10.40 of the Carlsbad Municipal Code by adding Section 10.40.303 to restrict parking along the west and east curb lines of Babilonia Street, from the south property line of 7151 Babilonia Street to the north property line of 7233 Babilonia Street between the hours of 11 p.m. to 5 a.m. - 4/0/1 (Luna – Absent).**

**ORDINANCES FOR ADOPTION:**

10. ORDINANCE NO. 49 – CODIFICATION OF ORDINANCES NO. 1 THROUGH NO. 48 – Adoption of Carlsbad Municipal Water District Board of Directors Ordinance No. 49 codifying, restating and amending Ordinances No. 1 through No. 48, except any ordinance previously repealed of the Carlsbad Municipal Water District Code. (Staff contact: Sheila Cobian, City Manager Department)

**City Manager’s Recommendation:** Adopt Ordinance No. 49.

**ACTION: Adopted CMWD Ordinance No. 49 - 4/0/1 (Luna – Absent).**

**PUBLIC HEARING:**

11. FISCAL YEAR 2024-25 FINAL ENGINEER’S REPORT AND ANNUAL LEVY OF ASSESSMENTS IN STREET LIGHTING AND LANDSCAPING DISTRICT NO. 1, A SPECIAL ASSESSMENT DISTRICT – 1) Hold a public hearing; and  
2) Adoption of a resolution confirming the diagram of the assessment district and assessment amounts, ordering maintenance work to be performed and authorizing the levy of the annual

assessment for fiscal year 2024-25 for Street Lighting and Landscaping District No. 1, a special assessment district. (Staff contact: Katie Schroeder, Administrative Services Department)

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

**ACTION: Held the public hearing; and  
Adopted Resolution No. 2024-175 - 4/0/1 (Luna – Absent).**

12. FISCAL YEAR 2024-25 FINAL ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING AND LANDSCAPING DISTRICT NO. 2, A SPECIAL ASSESSMENT DISTRICT – 1) Hold a public hearing; and  
2) Adoption a resolution confirming the diagram and assessment, ordering maintenance work to be performed and authorizing the levy of the annual assessment for fiscal year 2024-25 for Street Lighting and Landscaping District No. 2, a special assessment district. (Staff contact: Katie Schroeder, Administrative Services Department)

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

**ACTION: Held the public hearing; and  
Adopted Resolution No. 2024-176 - 4/0/1 (Luna – Absent).**

#### DEPARTMENTAL AND CITY MANAGER REPORTS:

13. HOUSING COMMISSION JANUARY 2023 – JUNE 2024 WORK PLAN REPORT AND FISCAL YEAR 2024-25 HOUSING COMMISSION WORK PLAN – Adoption of a resolution accepting the Housing Commission January 2023 – June 2024 Work Plan Report and approving the Fiscal Year 2024-25 Housing Commission Work Plan. (Staff contact: Christian Gutierrez, Community Services Department)

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

**ACTION: Adopted Resolution No. 2024-177 - 4/0/1 (Luna – Absent).**

14. ANNUAL REVIEW OF THE CITY COUNCIL CODE OF ETHICS – Review and discuss the City Council Code of Ethics & Public Service Values and recommend revisions as appropriate. (Staff contact: Sheila Cobian, City Manager Department)

**City Manager's Recommendation:** Review and discuss and provide direction as necessary.

**ACTION: Council received the report; and**

**Minute motion by Council Member Burkholder, seconded by Mayor Blackburn, to have a discussion to have the Commissioners adhere to the requirements of the City Council Code of Ethics & Public Service Values. Motion carried 4/0/1 (Luna – Absent).**

**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.*

**Minute motion by Mayor Blackburn, seconded by Council Member Acosta, requesting staff to return in the fall, with additional clarifying language to the City Treasurer minimum qualifications - 4/0/1 (Luna – Absent).**

**City Council Regional Assignments (Revised 12/12/23)**

<b>Keith Blackburn</b> <b>Mayor</b>	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)
<b>Priya Bhat-Patel</b> <b>Mayor Pro Tem – District 3</b>	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)
<b>Melanie Burkholder</b> <b>Council Member – District 1</b>	City Council Legislative Subcommittee North County Dispatch Joint Powers Authority (alternate) SANDAG Board of Directors
<b>Teresa Acosta</b> <b>Council Member – District 4</b>	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
<b>Carolyn Luna</b> <b>Council Member – District 2</b>	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: 6:43 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.