



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

July 23, 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 Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 5.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Bhat-Patel led the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Minutes of the Regular Meeting Held on May 14, 2024

Minutes of the Regular Meeting Held on May 21, 2024

Minutes of the Special Meeting Held on June 11, 2024

Minutes of the Regular Meeting Held on June 11, 2024

Minutes of the Regular Meeting Held on June 18, 2024

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

**PRESENTATIONS:** None.

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:** City Attorney Cindie McMahon announced that in a closed session this afternoon, the City Council authorized the City Attorney's office to initiate litigation in one case. Once the litigation is formally commenced, the litigation, the defendants and the other particulars will be disclosed upon request unless disclosure would jeopardize the City's ability to serve the litigation or the City's ability to conclude existing settlement negotiations to its advantage.

**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 MAY 31, 2024** – Accept and file Report on City Investments as of May 31, 2024. (Staff contact: Zach Korach, Administrative Services Department)

**ACTION: Council accepted and filed the Report.**

2. **ANNUAL SUBSCRIPTION RENEWAL OF TABLEAU SOFTWARE** – Adoption of a resolution authorizing the City Manager or designee to purchase the Tableau software subscription renewal from Solutions Simplified, Inc. for an amount not to exceed \$232,789 for a one-year term ending July 31, 2025. (Staff contact: Maria Callander and David van Gilluwe, Administrative Services Department)

**ACTION: Adopted Resolution No. 2024-178 - 5/0.**

3. PURCHASE OF EXCESS WORKERS' COMPENSATION COVERAGE FOR POLICY YEAR 2024-25 – Adoption of a resolution authorizing the purchase of excess workers' compensation coverage through Safety National Casualty Corporation for policy year 2024-25. (Staff contact: Sarah Reiswig and Judy von Kalinowski, Administrative Services Department)  
**ACTION: Adopted Resolution No. 2024-179 - 5/0.**
  
4. SETTLEMENT OF WORKERS' COMPENSATION CLAIM OF KEVIN LEHAN – Adoption of a resolution authorizing settlement of the workers' compensation claim of Kevin Lehan. (Staff contact: Sarah Reiswig and Judy von Kalinowski, Administrative Services Department)  
**ACTION: Adopted Resolution No. 2024-180 - 5/0.**
  
5. QUITCLAIMING A WATER EASEMENT AT THE VALLEY MIDDLE SCHOOL CAMPUS, PD2023-012, VAC2023-0004 – Adoption of a Carlsbad Municipal Water District resolution quitclaiming a water easement over Tract No. 246 of Map No. 1681, located at the Valley Middle School Campus, 1645 Magnolia Avenue, PD2023-012, VAC2023-0004. (Staff contact: Dave Padilla and Neil Irani, Public Works Department)  
**ACTION: Adopted Resolution No. 1745 - 5/0.**
  
6. GRANT OF EASEMENT TO SAN DIEGO GAS & ELECTRIC AND PURCHASE OF ELECTRIC VEHICLE CHARGERS FROM WESTSIDE SOLUTIONS INC. FOR THE STATE STREET PARKING LOT ELECTRIC VEHICLE CHARGING STATIONS PROJECT, CIP PROJECT NO. 4090 – 1) Adoption of a resolution authorizing execution of a grant of easement to San Diego Gas & Electric for the State Street Parking Lot Electric Vehicle Charging Stations Project, CIP Project No. 4090; and  
2) Adoption of a resolution authorizing the purchase of electric vehicle chargers from Westside Solutions Inc. for an amount not to exceed \$128,365 for the State Street Parking Lot Electric Vehicle Charging Stations Project, CIP Project No. 4090. (Staff contact: John Maashoff, Public Works Department)  
**ACTION: Adopted Resolution No. 2024-181; and  
Adopted Resolution No. 2024-182 - 5/0.**

**BOARD AND COMMISSION MEMBER APPOINTMENTS:**

7. MAYORAL APPOINTMENT OF TWO MEMBERS TO THE LIBRARY BOARD OF TRUSTEES – 1) Adoption of a resolution appointing one member to the Library Board of Trustees; and  
2) Adoption of a resolution appointing one member to the Library Board of Trustees. (Staff contact: Tammy McMinn, City Clerk Department)

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

**ACTION: This item was continued to the next Regular City Council Meeting to be held on July 30, 2024.**

8. MAYORAL APPOINTMENT OF THREE MEMBERS TO THE BEACH PRESERVATION COMMISSION – 1) Adoption of a resolution appointing one member to the Beach Preservation Commission; and  
2) Adoption of a resolution appointing one member to the Beach Preservation Commission; and  
3) Adoption of a resolution appointing one member to the Beach Preservation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

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

**ACTION: Adopted Resolution No. 2024-183; and  
Adopted Resolution No. 2024-184; and  
Adopted Resolution No. 2024-185 - 5/0.**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:**

9. ORDINANCE NO. CS-471 – RESTRICTING OVERNIGHT PARKING ON BABILONIA STREET – Adoption of 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. and 5 a.m. (Staff contact: Faviola Medina, City Clerk Department)

**City Manager's Recommendation:** Adopt Ordinance No. CS-471.

**ACTION: Adopted Ordinance No. CS-471 - 5/0.**

**PUBLIC HEARING:**

10. DISESTABLISHING THE CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT UNDER THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 – 1) Hold a public hearing; and 2) Introduction of an ordinance repealing Chapter 3.38 of the Carlsbad Municipal Code and disestablishing the Carlsbad Golf Lodging Business Improvement District. (Staff contact: Matt Sanford, Administrative Services Department)

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

**ACTION: Held the public hearing; and  
Introduced Ordinance No. CS-472 - 5/0.**

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

11. ADVERTISE FOR BIDS FOR THE ALGA NORTE AQUATIC CENTER RESTROOM AND LOCKER ROOM RENOVATION PROJECT AND THE POOL REPLASTERING PROJECT AND AUTHORIZING AN ADDITIONAL APPROPRIATION, CIP PROJECT NOS. 4756 AND 4733 – 1) Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Alga Norte Aquatic Center Restroom and Locker Room Renovation Project; and 2) Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Alga Norte Aquatic Center Pool Replastering Project and authorizing an additional appropriation in the amount of \$1,487,464 from the Infrastructure Replacement Fund. (Staff contact: John Maashoff, Public Works Department)

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

**ACTION: Adopted Resolution No. 2024-186; and  
Adopted Resolution No. 2024-187 - 5/0.**

12. AWARD OF A CONSTRUCTION CONTRACT TO ACE CAPITAL ENGINEERING FOR THE STAGECOACH COMMUNITY GARDEN PROJECT, CIP PROJECT NO. 4611 – Adoption of a resolution accepting bids received and awarding a construction contract to ACE Capital Engineering for the Stagecoach Community Park - Community Garden Project, Capital Improvement Program Project No. 4611, in an amount not-to-exceed \$464,353 and appropriating \$25,000 from the Park Development Capital Project Fund (Park-In-Lieu SE) to the Fiscal Year 2024-25 Capital Improvement Program Budget. (Staff contact: Nick Stupin, Community Services Department)

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

**ACTION: Adopted Resolution No. 2024-188 - 5/0.**

13. RECOMMENDED ROBERTSON RANCH PARK MASTER PLAN – Adoption of a resolution approving the recommended Robertson Ranch Park Master Plan and directing staff to proceed with the necessary environmental permitting and entitlements for the park project. (Staff contact: Todd Reese, Community Services Department)

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

**ACTION: Adopted Resolution No. 2024-189 - 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.*

**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: 6:11 p.m.**

In accordance with Carlsbad Municipal Code (CMC) Section 20.20.20, notice is hereby given that the City Engineer has reviewed and, immediately following this City Council Meeting of July 23, 2024 will approve the following final map:

**Carlsbad Tract CT 15-07, located generally at the terminus of Twain Avenue.**

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- 1) The map substantially conforms to the approved tentative map, and approved alterations thereof and any conditions of approval imposed with said tentative map.
- 2) The map complies with the provisions of the Subdivision map Act and any local ordinances applicable at the time of approval of the tentative map.
- 3) The map is technically correct.

Said map will be finalized and recorded, unless an interested party files a valid appeal of the City Engineer's action to City Council no later than 10 calendar days from the date of the City Engineer's action. The appeal shall specifically state the reason(s) for the appeal; see CMC Section 20.20.165 and 21.54.150.

If you have any question about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact the City Clerk's Office at (442) 339-2808.

## 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.