



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Aug. 20, 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: None.

PLEDGE OF ALLEGIANCE: Fire Chief Michael Calderwood led the Pledge of Allegiance.

APPROVAL OF MINUTES: None.

PRESENTATIONS: None.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: No reportable action.

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 JUNE 30, 2024** – Accept and file Report on City Investments as of June 30, 2024. (Staff contact: Zach Korach, Administrative Services Department)
ACTION: Accepted and filed the report.
2. **AGREEMENT WITH HINDERLITER DE LLAMAS AND ASSOCIATES FOR SALES AND USE TAX AUDITING, ANALYSIS AND REPORTING SERVICES** – 1) Adoption of a resolution authorizing the Mayor to enter into an agreement with Hinderliter de Llamas and Associates as the consultant authorized to examine sales and use tax records of the California Department of Tax and Fee Administration on the city's behalf; and
2) Adoption of a resolution approving Hinderliter de Llamas and Associates as the consultant authorized to examine sales and use tax records of the California Department of Tax and Fee Administration on the city's behalf. (Staff contact: Jason Rosado, Administrative Services Department)
**ACTION: Adopted Resolution No. 2024-200; and
Adopted Resolution No. 2024-201 – 5/0.**
3. **CITY COUNCIL CODE OF ETHICS AND PUBLIC SERVICE VALUES** – Adoption of a resolution affirming the City Council Code of Ethics and Public Service Values as proposed at the regular City Council meeting held on July 16, 2024. (Staff contact: Sheila Cobian, City Manager Department)
ACTION: Adopted Resolution No. 2024-202 as amended (see minutes for details) – 5/0.

4. SUMMARY VACATION OF RELINQUISHMENT OF ACCESS RIGHTS OVER A PORTION OF LOT 3 SUBDIVISION MAP NO. 14962 LOCATED ON WHIPTAIL LOOP (VAC2023-0001) – Adoption of a resolution approving a summary vacation of a relinquishment of access rights over a portion of Lot 3 of Subdivision Map No. 14962 located on Whiptail Loop. (Staff contact: David Rick, Community Services Department)
ACTION: Adopted Resolution No. 2024-203 – 5/0.
5. SUMMARY VACATION OF AN UNNAMED PUBLIC EASEMENT AT 3851 PARK DRIVE (VAC2024-0001) Adoption of a resolution approving a summary vacation of an unnamed public easement over a portion of Lot 41 of development Map No. 3019, located at 3851 Park Drive. (Staff contact: Nichole Fine, Community Services Department)
ACTION: Adopted Resolution No. 2024-204 – 5/0.
6. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CARLSBAD AND CARLSBAD UNIFIED SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2024-25 SCHOOL YEAR Adoption of a resolution approving a memorandum of understanding between the City of Carlsbad and Carlsbad Unified School District for the School Resource Officer Program for the 2024-25 school year. (Staff contact: Jeffery Smith and Amanda Simpson, Police Department)
ACTION: Adopted Resolution No. 2024-205 – 5/0.

BOARD AND COMMISSION MEMBER APPOINTMENTS: None.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

7. ORDINANCE NOS. CS-473 AND CS-474 AMENDING TITLE 8, TITLE 11, TITLE 15 AND TITLE 21 OF THE CARLSBAD MUNICIPAL CODE – 1) Adoption of Ordinance No. CS-473 approving amendments to Title 8, Public Peace, Morals and Safety, and Title 11, Public Property, of the Carlsbad Municipal Code; and 2) Adoption of Ordinance No. CS-474 approving a zone code amendment and a Local Coastal Program Amendment to Title 15, Grading and Drainage, and Title 21, Zoning Ordinance, of the Carlsbad Municipal Code to complete various miscellaneous cleanup changes. (Staff contact: Faviola Medina, City Clerk Department)

City Manager’s Recommendation: Adopt Ordinance Nos. CS-473 and CS-474.

**ACTION: Adopted Ordinance No. CS-473; and
Adopted Ordinance No. CS-474 – 5/0.**

8. ORDINANCE NO. CS-475 ADDING CHAPTER 6.15 TO THE CARLSBAD MUNICIPAL CODE TO PROHIBIT SMOKING IN MULTI-UNIT RESIDENCES – Adoption of Ordinance No. CS-475 adding Chapter 6.15 to the Carlsbad Municipal Code to prohibit smoking in multi-unit residences. (Staff contact: Faviola Medina, City Clerk Department)

City Manager’s Recommendation: Adopt Ordinance No. CS-475.

ACTION: Adopted Ordinance No. CS-475 – 4/1 (Burkholder – No).

PUBLIC HEARING: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

9. RESUSCITATION OUTCOMES, 2023-2024 – Receive a report describing recent outcomes of emergency medical services patients in cardiac arrest. (Staff contact: Nathan Pearson, Fire Department)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report.

10. PROGRESS REPORT ON ACTIONS TO ADDRESS CONCERNS RELATED TO THE WINDSOR POINTE AFFORDABLE HOUSING PROJECT – Receive a progress report on City Council directed actions related to the Windsor Pointe Affordable Housing Project. (Staff contact: Mandy Mills, Community Services Department and Reid Shipley, Police Department)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report; and

Motion by Council Member Burkholder, seconded by Mayor Blackburn, to release the name of the law firm that the City has hired to look into the Windsor Pointe matter – 5/0.

Minute Motion by Council Member Burkholder, seconded by Mayor Pro Tem Bhat-Patel, directing staff to review the agreement to determine whether there are grounds to remove the management agent Conam, to take the necessary steps to do that and review the management plan to see if any additional updates to the security plan are necessary and return to the City Council on Oct. 22, 2024. - 4/0 (Blackburn – 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 (2nd 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 (1st 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: 8:04 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.