



CITY COUNCIL

Agenda

Nov. 12, 2019 6 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

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

The City of Carlsbad provides three ways to watch a City Council meeting:

In Person



Most City Council meetings take place at City Hall, 1200 Carlsbad Village Drive

On TV



Watch live and replays of meetings on Charter Spectrum channel 24 and AT&T U-verse channel 99

Online



Watch the livestream and replay past meetings on the city website, www.carlsbadca.gov

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.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.

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 760-434-2821 (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.

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: 6 p.m.

ROLL CALL: Hall, Bhat-Patel, Blackburn, Schumacher.

ANNOUNCEMENT OF CONCURRENT MEETINGS: City Council is serving as the Carlsbad Municipal Water District Board of Directors on Departmental and City Manager Reports Item No. 12.

INVOCATION: None.

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

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Oct. 8, 2019

Minutes of the Regular Meeting held Oct. 15, 2019

Minutes of the Special Meeting held Oct. 24, 2019

ACTION: Approved Oct. 15, 2019 and Oct. 24, 2019 Minutes as presented – 4/0.

Returned Oct. 8, 2019 Minutes to staff for edits.

PRESENTATION:

Presentation of Proclamation in Recognition of America Recycles Day.

Presentation of Proclamation in Recognition of Peer Awards.

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

PUBLIC COMMENT: *In conformance with the Brown Act, no Council action can occur on items presented during Public Comment. A total of 15 minutes is provided so members of the public can address the Council on items that are not listed on the Agenda. Speakers are limited to three (3) minutes each. If you desire to speak during Public Comment, fill out a SPEAKER CARD and submit it to the City Clerk. If there are more than five (5) speakers, the remaining speakers will be heard at the end of the agenda just prior to Council Reports. When you are called to speak, please come forward to the podium and state your name.*

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. A request from the public to discuss an item must be filed with the City Clerk in writing prior to Council consideration of the Consent Calendar.*

WAIVER OF ORDINANCE TEXT READING:

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **MEMORANDUM OF UNDERSTANDING WITH THE CARLSBAD POLICE MANAGEMENT ASSOCIATION –** Adoption of a Resolution approving a Memorandum of Understanding (MOU) between the City of Carlsbad and the Carlsbad Police Management Association (CPMA) and revised Administrative Order No. 64, approving a revised Management Salary Schedule and Management Compensation and Benefits Plan, and approving \$238,850 in carry-forward funds from Fiscal Year 2018-19 to Fiscal Year 2019-20. (Staff contact: Debbie Porter and Judy von Kalinowski, Administrative Services)

ACTION: Adopted Resolution No. 2019-220 – 4/0.

2. APPROVAL OF REVISIONS TO THE RECREATION SUPERVISOR CLASSIFICATION AND CARLSBAD CITY EMPLOYEES' ASSOCIATION MEMORANDUM OF UNDERSTANDING AND SALARY SCHEDULE – Adoption of a Resolution approving revisions to the recreation supervisor classification, Carlsbad City Employees' Association Memorandum of Understanding and Salary Schedule. (Staff contact: Silvano Rodriguez and Judy von Kalinowski, Administrative Services)
ACTION: Adopted Resolution No. 2019-221 – 4/0.

3. APPROVAL TO DESIGNATE \$9,131,095 OF THE CITY'S UNASSIGNED FUND BALANCE IN THE GENERAL FUND AS OF JUNE 30, 2019 – Adoption of a Resolution designating \$9,131,095 of the city's unassigned fund balance in the General Fund as of June 30, 2019, for economic uncertainty. (Staff contact: Roxanne Muhlmeister, Administrative Services)
ACTION: Adopted Resolution No. 2019-222 – 4/0.

4. APPROVAL OF THE 2020 REGULAR CITY COUNCIL MEETING CALENDAR – Adoption of a Resolution approving the 2020 Regular City Council Meeting calendar. (Staff contact: Sheila Cobian, City Clerk Services)
ACTION: Adopted Resolution No. 2019-223 as amended (see Minutes for details) – 4/0.

5. ACCEPTANCE OF EQUIPMENT DONATION FROM CARLSBAD FIRE DEPARTMENT FOUNDATION – Adoption of a Resolution accepting a donation from the Carlsbad Fire Department Foundation in the amount of \$11,875. (Staff contact: Mike Lopez, Fire)
ACTION: Adopted Resolution No. 2019-224 – 4/0.

6. ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS THE PASEO DEL NORTE PRESERVE – Adoption of a Resolution authorizing the Mayor to execute all appropriate acquisition documents, and for the city clerk to execute the certificate of acceptance of the Grant Deed for the acquisition of real property commonly known as the Paseo Del Norte Preserve. (Staff contact: Curtis Jackson, Real Estate)
ACTION: Adopted Resolution No. 2019-225 – 4/0.

7. MEMORANDUM OF UNDERSTANDING WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR CENSUS 2020 PUBLIC OUTREACH GRANT FUNDS – Adoption of a Resolution authorizing the mayor to enter into a Memorandum of Understanding with the San Diego Association of Governments (SANDAG) to accept pass-through of \$10,849.46 in grants funds from the State of California, Government Operations Agency – California Complete Count – Census 2020 (Staff contact: Kerry Jezisek, Community & Economic Development)
ACTION: Adopted Resolution No. 2019-226 – 4/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARING:

8. ADOPTION OF ORDINANCE NOS. CS-363 AND CS-364 ADOPTING THE CALIFORNIA FIRE CODE AND THE CALIFORNIA BUILDING CODE AND RELATED CALIFORNIA CODES FOR CONSTRUCTION – Adoption of Ordinance No. CS-363 repealing existing Chapter 17.04 of the Carlsbad Municipal Code and adopting a new Chapter 17.04, Fire Prevention Code based on the 2019 California Fire Code; and,

Adoption of Ordinance No. CS-364 repealing existing Carlsbad Municipal Code Chapter 18.04 (Building Code), Chapter 18.08 (Mechanical Code), Chapter 18.12 (Electrical Code), Chapter 18.16 (Plumbing Code), Chapter 18.18 (Solar Energy Code), Chapter 18.20 (Residential Code), Chapter 18.21 (Green Building Standards Code), and Chapter 18.30 (Energy Conservation Regulations); and adopting new Chapter 18.04 (Building Code), Chapter 18.08 (Mechanical Code), Chapter 18.12 (Electrical Code), Chapter 18.16 (Plumbing Code), Chapter 18.18 (Solar Energy Code), Chapter 18.20 (Residential Code), Chapter 18.21 (Green Building Standards Code), and Chapter 18.30 (Energy Conservation Regulations), based on the 2019 California Building Standards Code and as amended herein. (Staff contact: Mike Peterson, Community & Economic Development and Randy Metz, Fire)

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

ACTION: Adopted Ordinance Nos. CS-363 and CS-364 – 4/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

9. INTERNSHIP PROGRAM PRESENTATION – Receive an informational presentation on the city's new Internship Program. (Staff contact: Paul Ho and Judy von Kalinowski, Administrative Services)

City Manager's Recommendation: Receive the report.

ACTION: Council received the report.

10. CONSIDERATION OF CITY COUNCIL POLICY NO. 89 INTERNAL AUDIT FRAMEWORK AND AUDIT PLAN FOR THE REMAINDER OF FISCAL YEAR 2019-20 – Adoption of a Resolution approving City Council Policy No. 89 establishing the framework for an effective internal audit function and approving the audit plan for the remainder of Fiscal Year 2019-20. (Staff contact: Brigid Okyere, Administrative Services)

City Manager's Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-227 – 4/0.

11. STATE LEGISLATIVE UPDATE – CALIFORNIA'S 2020 HOUSING LAWS – Receive an update from California Strategies & Advocacy (California Strategies) summarizing several of the 2020 Housing Laws signed by Governor Newsom during 2019. (Staff contact: Jason Haber, City Manager)

City Manager's Recommendation: Receive the report.

ACTION: Council received the report.

12. PRESENTATION FROM CABRILLO POWER I LLC (NRG) REGARDING THE DEMOLITION SCHEDULE AND ASSOCIATED DEMOLITION ACTIVITIES FOR THE ENCINA POWER STATION AND AUTHORIZATION FOR THE MAYOR/PRESIDENT TO SIGN A LETTER GRANTING NRG A NOT-TO-EXCEED, NINE-MONTH EXTENSION IN THE DEMOLITION DEADLINE – Receive a presentation from Cabrillo Power I LLC (NRG) regarding the demolition schedule and associated demolition activities for the Encina Power Station and:

1. Adoption of a City of Carlsbad Resolution authorizing the mayor to sign a letter granting NRG a not-to-exceed, nine-month extension in the demolition deadline under the Jan. 14, 2014 Settlement Agreement between and among the City of Carlsbad, Carlsbad Municipal Water District, Cabrillo Power I LLC and Carlsbad Energy Center LLC (collectively NRG), and San Diego Gas & Electric Company.

2. Adoption of a Carlsbad Municipal Water District Resolution authorizing the president to sign a letter granting NRG a not-to-exceed, nine-month extension in the demolition deadline under the Jan. 14, 2014 Settlement Agreement between and among the City of Carlsbad, Carlsbad Municipal Water District, Cabrillo Power I LLC and Carlsbad Energy Center LLC (collectively NRG), and San Diego Gas & Electric Company. (Staff contact: Gary Barberio, Community Services)

City Manager's Recommendation: Receive the presentation and adopt the Resolutions.

ACTION: Adopted City Council Resolution No. 2019-228 – 4/0.

ACTION: Adopted CMWD Resolution No. 1623 – 4/0.

13. PEER REVIEW OF NORTH SAN DIEGO COUNTY CITIES COMMUNITY CHOICE ENERGY TECHNICAL FEASIBILITY STUDY AND AUTHORIZING A REIMBURSABLE ADVANCE TO THE CLEAN ENERGY ALLIANCE JOINT POWERS AUTHORITY IN THE AMOUNT OF \$150,000 – Adoption of a Resolution accepting the peer review of North San Diego County Cities Community Choice Energy Technical Feasibility Study and authorizing the city manager to negotiate, execute and fund a cost reimbursement for Member Agency Support Agreement allowing for the City of Carlsbad's participation in funding the fiscal year 2019-20 initial budget of the Clean Energy Alliance Joint Powers Authority in the amount of \$150,000. (Staff contact: Jason Haber, City Manager Department)

City Manager's Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-229 – 4/0.

14. UPDATE ON THE CITY'S DIGITAL INFORMATION NETWORK – Receive an informational presentation on the city's current digital information network and its deficiencies, in preparation for a later presentation offering a proposed new and more robust network. (Staff contact: Maria Callander, Information Technology)

City Manager's Recommendation: Receive the report.

ACTION: This item was continued to Nov. 19, 2019.

15. TRAFFIC & MOBILITY COMMISSION WORK PLAN FOR FISCAL YEAR 2019-20 AND DRAFT COMMUNICATIONS PLAN – Adoption of a Resolution approving the Traffic and Mobility Commission Work Plan for Fiscal Year 2019-20. (Staff contact: Doug Bilse, Public Works)

City Manager's Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-230; and By a Minute Motion by Council Member Schumacher, Seconded by Mayor Pro Tem Bhat-Patel to direct staff to establish a plan to create a permanent record of video or audio of Boards and Commission meetings – 4/0.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

City Council Regional Assignments (Revised 1/08/19)

Matt Hall Mayor	North County Mayors and Managers City/School Committee Chamber of Commerce Liaison (primary) San Diego County Water Authority San Diego Regional Economic Development Corporation Board of Directors
Keith Blackburn Council Member	Buena Vista Lagoon JPC Encina Wastewater Authority/Joint Powers Board of Directors North County Dispatch Joint Powers Authority

Chamber of Commerce Liaison (alternate)

Priya Bhat-Patel
Mayor Pro Tem

SANDAG (2nd alternate)
North County Transit District (primary)
City/School Committee
League of California Cities – SD Division

Cori Schumacher
Council Member

SANDAG (primary)
Buena Vista Lagoon JPC
Encina Wastewater Authority Board of Directors (alternate)

Vacant – District No. 1
Council Member

SANDAG (1st alternate)
Encina Wastewater Authority/Joint Powers Board of Directors
North County Dispatch Joint Powers Authority (alternate)
North County Transit District (alternate)

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. When you are called to speak, please come forward to the podium and state your name. The remainder of the categories are for reporting purposes. In conformance with the Brown Act, no public testimony and 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 Manager Scott Chadwick proposed that Council make a Minute Motion to have staff prepare a plan for ground rules for Council subcommittees and ad-hoc committees.

Minute Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Schumacher to have staff prepare the plan. – 4/0.

CITY ATTORNEY COMMENTS: None.

ADJOURNMENT: 9:24 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 760-434-2820 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. 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. 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.