



CITY COUNCIL Agenda

Dec. 10, 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: 6:00 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 Item No. 9.

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. 22, 2019

Minutes of the Special Meeting held Nov. 12, 2019

Minutes of the Regular Meeting held Nov. 12, 2019

ACTION: Approved Minutes as presented – 4/0.

PRESENTATION:

Proclamation in Recognition of Energy Upgrade California

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: None.

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.*

Minute Motion by Council Member Schumacher, seconded by Mayor Pro Tem Bhat-Patel to direct staff to create a resolution supporting California Assembly Joint Resolutions 30 and 33 to be delivered to cities of Futtsu, Hiroshima, and Nagasaki, Japan as part of the commemoration of the 75th anniversary of the use of atomic weapons in Japan. – 3/1. (Hall – No)

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. **APPROVAL OF SIDE LETTER AMENDMENTS TO MEMORANDUMS OF UNDERSTANDING WITH CITY OF CARLSBAD LABOR GROUPS AND REVISIONS TO THE MANAGEMENT COMPENSATION BENEFITS PLAN**
Adoption of a Resolution approving side letters between the City of Carlsbad and the Carlsbad Police Management Association, Carlsbad Police Officers' Association, Carlsbad City Employees' Association, Carlsbad Firefighters' Association, Inc., approving revisions to the Management Compensation and Benefits Plan and approving a transfer of \$44,000 from the City Council Contingency Budget in the General Fund. (Staff contact: Donna Hernandez and Judy von Kalinowski, Human Resources)

ACTION: Adopted Resolution No. 2019-245 – 4/0.

2. APPROVAL OF SIDE LETTER AGREEMENTS TO MEMORANDUMS OF UNDERSTANDING WITH THE CITY OF CARLSBAD LABOR GROUPS AND AMENDMENTS TO THE MANAGEMENT BENEFIT PLAN FOR CONSTRUCTIVE RECEIPT – Adoption of a Resolution approving side letter agreements with the City of Carlsbad and the Carlsbad Police Management Association, Carlsbad Police Officers’ Association, Carlsbad City Employees’ Association, and Carlsbad Firefighters’ Association, Inc. and approving amendments to the Management Compensation and Benefits Plan to modify the vacation and comp time conversion programs to comply with IRS Constructive Receipt rules. (Staff contact: Darrin Schwabe and Judy von Kalinowski, Human Resources)

ACTION: Adopted Resolution No. 2019-246 – 4/0.

3. REIMBURSEMENT AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, INC. – Adoption of a Resolution approving a Reimbursement Agreement with Lennar Homes of California, Inc. for construction of a portion of Poinsettia Lane Reach E, associated with Carlsbad Tract No. 14-10, Capital Improvement Program Project No. 3922. (Staff contact: Hossein Ajideh, Public Works)

ACTION: Adopted Resolution No. 2019-247 – 4/0.

4. AGREEMENT WITH DOKKEN ENGINEERING FOR DESIGN SERVICES FOR EL CAMINO REAL WIDENING – Adoption of a Resolution authorizing execution of a Professional Services Agreement with Dokken Engineering for El Camino Real widening from Cassia Road to Camino Vida Roble, Capital Improvement Program Project No. 6072, in an amount not to exceed \$394,044. (Staff contact: Brandon Miles, Public Works)

ACTION: Adopted Resolution No. 2019-248 – 3/0/1. (Blackburn – Abstained)

5. AGREEMENT WITH CALIFORNIA GREEN BUSINESS NETWORK SERVICE – Adoption of a Resolution authorizing execution of the California Green Business Network (CAGBN) Services Agreement, acceptance of grant funds, and appropriation of grant funds to the Environmental Management department budget. (Staff contact: Michael Grim, Public Works)

ACTION: Adopted Resolution No. 2019-249 – 4/0.

6. DECLARATION OF CITY-OWNED VACANT PARCEL OF LAND AS SURPLUS PROPERTY AND AUTHORIZE RELEASE OF REQUEST FOR PROPOSALS FOR SALE OF PROPERTY LOCATED ON PAJAMA DRIVE – Adoption of a Resolution declaring a city-owned vacant parcel of land as surplus property and authorizing the release of a Request for Proposals for the sale of the property located on Pajama Drive in Oceanside, California (APN 149-070-47-00). (Staff contact: Curtis Jackson, Real Estate)

ACTION: Adopted Resolution No. 2019-250 – 4/0.

ORDINANCES FOR INTRODUCTION:

7. AMENDMENT TO CARLSBAD MUNICIPAL CODE CHAPTER 8.45 – CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES BY MINORS AT PARTIES, EVENTS OR GATHERINGS – Introduction of an Ordinance amending Carlsbad Municipal Code Chapter 8.45 Consumption of Alcohol or Controlled Substances by Minors at Parties, Events or Gatherings. (Staff contact: Cindy Anderson, Police)

City Manager’s Recommendation: Introduce the Ordinance.

ACTION: Introduced Ordinance No. CS-366 – 4/0.

8. PLANNING COMMISSION WORK PLAN AND ORDINANCE AMENDMENTS – Adoption of a Resolution approving the Planning Commission Work Plan for FY 2019-20; and Introduction of an Ordinance amending Carlsbad Municipal Code Chapter 2.24 regarding the Planning Commission to be consistent with Chapter 1.20 Meetings and Chapter 2.15 Boards and Commissions. (Staff contact: Don Neu, Community & Economic Development)

City Manager’s Recommendation: Adopt the Resolution and introduce the Ordinance.

ACTION: Adopted Resolution No. 2019-251 and Introduced Ordinance No. 367 – 4/0.

9. AMENDMENT TO CMWD ORDINANCE 45 – IMPLEMENTATION CALIFORNIA SENATE BILL NO. 998 – Introduction of a CMWD Ordinance amending Article II, Section 4 of CMWD Ordinance No. 45 to comply with Senate Bill No. 998, the Water Shutoff Protection Act; and Adoption of a CMWD Resolution approving the Residential Potable Water Service Shutoff Protection Policy for Nonpayment of Charges. (Staff contact: Mario Remillard and Vicki Quiram, Public Works)

City Manager’s Recommendation: Introduce the Ordinance and adopt the Resolution.

ACTION: Introduced CMWD Ordinance No. 47 – 4/0.

ACTION: Adopted CMWD Resolution No. 1625 – 4/0.

Minute Motion by Council Member Blackburn, seconded by Council Member Schumacher to direct staff to create a scholarship program that would help financially burdened people who cannot afford their water bill. – 4/0.

ORDINANCE FOR ADOPTION:

10. EXPRESSIVE ACTIVITIES ORDINANCE – Adoption of Ordinance No. CS-365 amending Carlsbad Municipal Code Title 8, Chapter 8.17 regarding Special Events, adding Chapter 8.18 regarding Expressive Activity Events and waiving applicable park user fees. (Staff contact: Sheila Cobian, City Clerk Services)

City Manager’s Recommendation: Adopt Ordinance No. CS-365.

ACTION: Adopted Ordinance No. 365 – 3/1. (Hall – No)

PUBLIC HEARING:

11. ORGANIC GREEN WASTE COMPOSTING RATES PUBLIC HEARING – Adoption of a Resolution approving increases to recycling and trash service rates related to green waste, effective Jan. 1, 2020. (Staff contact: James Wood, Public Works)

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

ACTION: Adopted Resolution No. 2019-252 – 4/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

12. APPOINT ONE MEMBER TO THE HOUSING COMMISSION – Adoption of a Resolution appointing one member to the Housing Commission to represent the At-Large Category. (Staff contact: Tammy McMinn, City Clerk Services)

City Manager's Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-253 appointing Allen Manzano – 4/0.

13. APPOINT ONE MEMBER TO THE PARKS & RECREATION COMMISSION – Adoption of a Resolution appointing one member to the Parks & Recreation Commission. (Staff contact: Tammy McMinn, City Clerk Services)

City Manager's Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-254 appointing Michael Luna – 4/0.

14. PRESENTATION OF MASTER FEE SCHEDULE COST OF SERVICE STUDY RESULTS – Receive a presentation on the results of the Master Fee Schedule Cost of Service Study. (Staff contact: Roxanne Muhlmeister, Administrative Services)

City Manager's Recommendation: Receive the report.

ACTION: Council received the report.

15. PRESENTATION ON STATUS OF THE SHORT-TERM VACATION RENTAL PROGRAM – Receive a presentation on the status of the Short-Term Vacation Rental Program and direct staff as appropriate. (Staff contact: Kerry Jezisek, Community & Economic Development)

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

ACTION: Council received the report.

Minute Motion by Council Member Schumacher, seconded by Mayor Pro Tem Bhat-Patel to pursue amending Ordinance No. CS-272 – Motion Failed 2/2. (Hall, Blackburn – No)

16. VILLAGE AND BARRIO MASTER PLAN AMENDMENT PACKAGE – Receive a presentation and direct staff on the scope and timing of the amendment package items described in the Aug. 20, 2019, City Council action on the Village and Barrio Master Plan and, based on that discussion, direct staff to return to City Council for confirmation of the project scope, work plan and timeline, and resource strategy, as necessary. (Staff contact: Scott Donnell, Community & Economic Development)

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

ACTION: Council received the report.

Minute Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Schumacher to approve the decision-making authority of the entire Village and Barrio Master Plan area to the City Council. – 3/0/1 (Hall – Abstained)

Minute Motion by Council Member Schumacher, seconded by Mayor Pro Tem Bhat-Patel to place on a future agenda, the formation of an ad-hoc design review board, with the composition and appointment process to be determined by City Council, to work with a consultant on the objective design standards and the design palette for the Village and Barrio Master Plan area. – 2/1/1. (Blackburn – No, Hall - Abstained)

Minute Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Blackburn to place Item Nos. 2-4 and 6-8 on a Planning Commission agenda to allow the public to have the opportunity to provide feedback. – 3/0/1. (Hall – Abstained)

17. REPORT ON HOW TRANSPORTATION SYSTEM MANAGEMENT AND TRANSPORTATION DEMAND MANAGEMENT PROGRAMS ADVANCE MOBILITY AND CLIMATE GOALS – Receive an informational report on the use of transportation system management and transportation demand management programs to advance the city’s mobility and climate goals. (Staff contact: Paz Gomez, Public Works and Gary Barberio, Community Services)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report.

18. POINSETTIA LANE TRAFFIC ANALYSIS PRESENTATION – Receive an informational presentation providing the findings of the Poinsettia Lane Traffic Analysis performed by LSA. (Staff contact: John Kim, Public Works)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report.

19. AMENDMENT TO POINSETTIA COMMUNITY PARK MASTER PLAN – Adoption of a Resolution approving an amendment to the Poinsettia Community Park Master Plan to relocate a proposed off leash dog park and add an adjacent parking lot and restroom. (Staff contact: Kyle Lancaster, Parks & Recreation)

City Manager’s Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-255 – 4/0.

20. PRESENTATION ON RESULTS OF PUBLIC OUTREACH AND INVOLVEMENT PROCESS FOR AN OFF LEASH DOG AREA WITHIN VILLAGE H SOUTH PROPERTY – Receive a presentation on the results of the public outreach and involvement process for a potential off leash dog area within the Village H South property and direct staff on any next steps to be taken in relation to this property. (Staff contact: Kyle Lancaster, Parks & Recreation)

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

ACTION: Council received the report.

Minute Motion by Council Member Blackburn, seconded by Council Member Schumacher to direct staff to work with Preserve Calavera for two months to review the plan – 4/0.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

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

Matt Hall	North County Mayors and Managers
Mayor	City/School Committee
	Chamber of Commerce Liaison (primary)
	San Diego County Water Authority
	San Diego Regional Economic Development Corporation Board of Directors
Keith Blackburn	Buena Vista Lagoon JPC
Council Member	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: None.

CITY ATTORNEY COMMENTS: None.

ADJOURNMENT: 11:12 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.