



CITY COUNCIL

# Agenda

May 5, 2020

3 p.m.

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

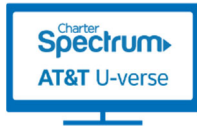
## Welcome to Your City Council Meeting

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 two ways to watch a City Council meeting:

#### 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](http://www.carlsbadca.gov)

### How to Participate

- Per State of California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding City Council and other public meetings electronically or by teleconferencing.
- All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the City Council.
- City Council meetings can be watched via livestream or replayed on the city website at [www.carlsbadca.gov](http://www.carlsbadca.gov). The City Council meetings can also be watched live or replayed on Charter Spectrum Channel 24 and AT&T U-verse channel 99.
- You can participate in the meeting by e-mailing your comments to the City Clerk at [clerk@carlsbadca.gov](mailto:clerk@carlsbadca.gov) prior to commencement of the agenda item. Your comment will be transmitted to the City Council at the start of the agenda item.
- If you desire to have your comment read into the record at the City Council meeting, **please indicate so in the first line of your e-mail** and limit your e-mail to 500 words or less.
- Emails will be read for three minutes each, unless the presiding officer (usually the Mayor) changes that time.
- These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.

### Reasonable Accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as require 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](mailto: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).*

**PLEASE NOTE: AS A RESULT OF THE WAIVERS IN EXECUTIVE ORDER N-29-20, THE BROWN ACT PERMITS FULL PARTICIPATION BY OFFICIALS IN MEETINGS THROUGH VIDEO OR AUDIO TELECONFERENCE.**

**CALL TO ORDER: 3 p.m.**

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

**ANNOUNCEMENT OF CONCURRENT MEETINGS: City Council is serving as the Carlsbad Municipal Water District Board of Directors on Consent Calendar Item No. 5.**

**INVOCATION: None.**

**PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blackburn led the Pledge of Allegiance.**

**APPROVAL OF MINUTES:**

Minutes of the Meeting held April 7, 2020.

**ACTION: Approved Minutes as presented – 4/0.**

Minutes of the Special Meeting held April 25, 2020.

**ACTION: Minutes returned to staff to include verbatim discussion at the request of Council Member Schumacher.**

**PRESENTATIONS:**

Presentation of proclamation in recognition of Water Safety Month.

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: N/A**

**PUBLIC COMMENT: *In conformance with the Brown Act and California Executive Order No. N-29-20, a total of 15 minutes is provided so members of the public participate in the meeting by submitting comments as provided on the front page of this agenda. The City Clerk will read comments as requested up to a total of 15 minutes. All other comments requested to be read by the City Clerk will trail until the end of the meeting. In conformance with the Brown Act, no Council 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. A request from the public to discuss an item must be submitted to 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. **REPORT ON CITY INVESTMENTS** – Acceptance of a Report on City Investments as of March 31, 2020. (Staff contact: Laura Rocha, Administrative Services and Craig Lindholm, City Treasurer)

**ACTION: Council accepted the report.**

2. **SETTLEMENT OF WORKERS' COMPENSATION CLAIMS** – Adoption of a resolution authorizing settlement of the Workers' Compensation Claims of Micah Lambert. (Staff contact: Donna Hernandez, Human Resources)

**ACTION: Adopted Resolution No. 2020-075 – 4/0.**

3. AMENDMENT NO. 1 TO AGREEMENT WITH SILLMAN WRIGHT ARCHITECTS, INC. – Adoption of a resolution authorizing Amendment No. 1 to the agreement with Sillman Wright Architects, Inc. to incorporate structural engineering design services into the design work for the City of Carlsbad Public Safety and Service Center Improvements, Capital Improvement Program Project No. 4715, in an amount not to exceed \$365,225. (Staff contact: Steven Stewart, Public Works and Mickey Williams, Police)

**ACTION: Adopted Resolution No. 2020-076 – 4/0.**

4. AGREEMENTS FOR THE SOUTH CARLSBAD BOULEVARD CLIMATE ADAPTATION PROJECT – Adoption of a resolution authorizing execution of the State Coastal Conservancy Grant Agreement and University of California Research Agreement, and acceptance and appropriation of grant funds to the Environmental Management Department budget. (Staff contact: Mike Grim, Public Works)

**ACTION: Adopted Resolution No. 2020-077 – 4/0.**

5. TEMPORARY RELIEF FROM CERTAIN POTABLE WATER BILL FEES IN RESPONSE TO THE COVID-19 PANDEMIC STATE OF EMERGENCY – Adoption of a Carlsbad Municipal Water District resolution confirming the executive manager’s temporary relief measures in response to the COVID-19 pandemic state of emergency and authorizing the executive manager to extend these measures through June 30, 2020, or the end of the state of emergency, if necessary. (Staff contact: Mario Remillard and Vicki Quiram, Public Works)

**ACTION: Adopted Resolution No. 1639 – 4/0.**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:** None.

**PUBLIC HEARING:**

6. FY 2019-20 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN AMENDMENT NO. 2 – Adoption of a resolution approving the Fiscal Year 2019-20 Annual Action Plan Amendment No. 2, appropriating CDBG Funds to the expansion of La Posada Homeless Facility and to the Fiscal Year 2019 Public Service Providers to provide continued services for COVID-19 relief, authorizing the submittal of the Amended Action Plan to the U.S. Department of Housing and Urban Development, and approving the Amended Citizen Participation Plan. (Staff contact: Nancy Melander, Community Development)

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

**ACTION: Adopted Resolution No. 2020-078 – Motion carried, 4/0.**

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

7. COVID-19 ACTIONS AND EXPENDITURES REPORT – Receive a report on recent actions and expenditures related to the city’s response to the COVID-19 pandemic and provide direction as appropriate. (Staff contact: Geoff Patnoe, City Manager Department)

**City Manager’s Recommendation:** Receive the report.

**ACTION: Council accepted the report.**

8. FUNDING ALLOCATION AND BUSINESS LOAN PROGRAM RECOMMENDATIONS FOR THE ECONOMIC RECOVERY AND REVITALIZATION INITIATIVE – Adoption of a resolution authorizing the city manager to do the following:
1. Allocate \$5,000,000 from the economic uncertainty set-aside in the General Fund to the Economic Recovery and Revitalization Initiative and establish the following funding priorities:
    - a. \$4,400,000 to the business loan program
    - b. \$250,000 to the joint marketing strategy
    - c. \$250,000 held as contingency or for future City Council decisions
    - d. \$50,000 to partner on mediation and renegotiation services
    - e. \$50,000 for city lessee relief
  2. Establish a business loan program that is consistent with the parameters developed by the Ad Hoc City Council Economic Revitalization Subcommittee
  3. Negotiate with a third-party to administer the business loan program and return to the City Council with a contract for approval if the cost exceeds \$100,000 annually. (Staff contact: David Graham, City Manager Department and Laura Rocha, Administrative Services)
- City Manager’s Recommendation:** Adopt the resolution.
- ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel to add language in the loan terms that businesses that can demonstrate that they are closed and have seen a significant drop in revenue will be allowed by discretion of staff an additional 90-day deferral of payment and the start of the loan term can be deferred. Motion carried unanimously, Motion carried, 4/0.**
- ACTION: Adopted Resolution No. 2020-079 as amended to include above Minute Motion by City Council Member Schumacher. – Motion carried, 4/0.**
9. WINDSOR POINTE RELOCATION & REPLACEMENT HOUSING PLAN – Adoption of a resolution approving the Windsor Pointe Relocation Plan and Replacement Housing Plan for the Affordable Housing Project located at 3606-3618 and 3630 Harding Street, and 965-967 Oak Avenue. (Staff contact: David de Cordova, Community Development)
- City Manager’s Recommendation:** Adopt the resolution.
- ACTION: Adopted Resolution No. 2020-080 – Motion carried, 3/1. (Schumacher – Abstained)**
- This item was continued from the April 21, 2020 City Council meeting.*
10. OBJECTIVE DESIGN STANDARDS AND STREAMLINED PERMITTING FOR MULTIFAMILY HOUSING AND MIXED-USE DEVELOPMENT PROJECTS – This report offers four possible action options for consideration by the City Council - Options 1 and 2 are reflected in Exhibit 1 as originally presented to the City Council on April 21, 2020:
- Option 1 includes an Ad Hoc Design Review Committee 1) Approving an agreement for professional consulting services with RRM Design Group to assist in the preparation of objective design standards and procedures to streamline the permitting process for multifamily housing and mixed-use development projects, including an ad hoc design review committee; 2) Appropriating \$33,880 from the City Council’s General Fund contingency account for consultant costs associated with the ad hoc design review committee; and 3) Providing direction to staff on the composition of the ad hoc design review committee and the process for appointing its members and directing staff to return to the City Council for the formal appointment of the committee; or,
- Option 2 excludes an Ad Hoc Design Review Committee - Adopt a resolution (Exhibit 2) approving an agreement for professional consulting services with RRM Design Group to assist in the preparation of

objective design standards and procedures to streamline the permitting process for multifamily housing and mixed-use development projects; or

Option 3 to remove Village and Barrio Master Plan from Senate Bill 2 Grant – adopt a resolution approving an agreement for professional consulting services with RRM Design Group to assist in the preparation of objective design standards and procedures to streamline the permitting process for multifamily housing and mixed-use development projects, except for the Village and Barrio Master Plan area and directing staff to submit to the California Housing and Community Development Department a request to remove the Village and Barrio Master Plan area from the Senate Bill 2 scope of work; or

Option 4 to pursue separate grant funding for Village and Barrio Master Plan Standards – adopt a resolution (Exhibit 3) directing staff to pursue grant opportunities to assist in developing a broader revisioning of objective design standards for the Village and Barrio Master Plan area. (Staff contact: Jennifer Jesser, Community Development)

**City Manager’s Recommendation:** Receive the report, discuss the options and adopt the corresponding resolution to the preferred option.

**ACTION: No action taken due to lack of majority confirmation. Item returned to staff to be placed on a future City Council meeting agenda.**

11. INITIATION OF A GAP ANALYSIS OF THE CITY’S INCLUSIONARY HOUSING IN-LIEU FEE – Consider the information contained in the staff report and if determined that an affordable housing gap analysis should be initiated, adopt a resolution authorizing the issuance of a request for proposals for the professional consulting services necessary for the preparation of an affordable housing gap analysis and authorizing the appropriation and expenditure of \$50,000 from the City Council’s General Fund Contingency account for the anticipated consultant costs. (Staff contact: Jeff Murphy, Community Development)

**City Manager’s Recommendation:** Receive the presentation and consider adoption of the resolution.

**ACTION: Adopted Resolution No. 2020-081 – Motion carried, 4/0.**

12. DETERMINATION OF FOUR DEFICIENT STREET FACILITIES AND FINANCING PROGRAM OPTIONS, INCLUDING EXTENSION OF COLLEGE BOULEVARD – Adoption of a resolution determining deficiencies of four street facilities according to the Growth Management Plan Vehicular Level of Service Standard, exempting such facilities from the Standard, expediting CIP Project No. 6094 (widening northbound El Camino Real from Sunny Creek Road to Jackspar Drive), and adoption of CEQA findings; and,  
Provide direction to city staff on whether to pursue a city-led financing program, planning, and environmental review for construction of the College Boulevard extension, which would include the city undertaking a preliminary design and engineering assessment. If the council does not pursue the College Boulevard extension at this time, provide direction to city staff on whether to eliminate this extension from the City’s General Plan; and  
Provide direction to city staff on whether to pursue amending the Local Facilities Management Zone 15 Plan and the Citywide Facilities and Improvements Plan relating to the obligation of private development in Zone 15 to fund the College Boulevard extension project, which would include funding consultant assistance to amend these plans. (Staff contact: Paz Gomez, Public Works and Laura Rocha, Administrative Services)

**City Manager’s Recommendation:** Adopt the resolution and provide direction to staff.

**A. Determine the following street facilities to be deficient because they do not meet the vehicular level of service component of the city's circulation performance standard required by the city's Growth Management Plan:**

- 1. Southbound El Camino Real from Cannon Road to College Boulevard**
- 2. Northbound El Camino Real from College Boulevard to Cannon Road**
- 3. Eastbound Cannon Road from El Camino Real to College Boulevard**
- 4. Westbound Cannon Road from College Boulevard to El Camino Real**

**B. Determine the following street facilities to be built out and exempt from the vehicular LOS performance standard, in accordance with General Plan Mobility Element Policy 3-P.9:**

- 1. Southbound El Camino Real from Cannon Road to College Boulevard**
- 2. Northbound El Camino Real from College Boulevard to Cannon Road**
- 3. Eastbound Cannon Road from El Camino Real to College Boulevard**
- 4. Westbound Cannon Road from College Boulevard to El Camino Real**

**C. Expedite Capital Improvement Program Project No. 6094, to improve traffic circulation by widening northbound El Camino Real from Sunny Creek Road to Jackspar Drive, by proposing different funding sources which may necessitate meeting Proposition H requirements if more than \$1 million of general funds are used. Motion carried, 3/1 (Hall – No)**

**ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel to direct staff to return the resolution to City Council with points A, B and C above separated into three resolutions. Motion carried, 3/1 (Hall – No)**

**ACTION: Minute Motion by Mayor Pro Tem Blackburn, seconded by Council Member Schumacher to direct staff to pursue a city led financing program for the extension of College Boulevard. Motion carried, 3/1 (Hall – No)**

**ACTION: Minute Motion by Mayor Pro Tem Blackburn, seconded by Council Member Schumacher to direct staff to provide direction on whether to pursue amending the Local Facilities Management Zone 15 Plan. Motion carried, 3/1 (Hall – No)**

### **COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:**

#### **City Council Regional Assignments (Revised 4/7/20)**

**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  
**Mayor Pro Tem** Encina Wastewater Authority/JAC Board of Directors  
North County Dispatch Joint Powers Authority  
Chamber of Commerce Liaison (alternate)  
SANDAG (1<sup>st</sup> alternate)  
North County Transit District (alternate)

**Priya Bhat-Patel**  
**Council Member – District 3** SANDAG (2<sup>nd</sup> alternate)  
North County Transit District (primary)  
City/School Committee  
League of California Cities – SD Division  
Encina Wastewater Authority/JAC Board of Directors (alternate)

**Cori Schumacher**  
**Council Member – District 1** SANDAG (primary)  
Buena Vista Lagoon JPC  
Encina Wastewater Authority/JAC Board of Directors  
North County Dispatch Joint Powers Authority (alternate)

**Vacant – At-Large**  
**Council Member**

**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. The City Clerk shall read any remaining public comments into the record. 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:**

**ADJOURNMENT:** 8:06 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](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. 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.