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

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. 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 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 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.
CALL TO ORDER: 3:02 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. 2.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blackburn 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: 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. AUTHORIZE RIGHT OF ENTRY PERMIT WITH CALIFORNIA STATE PARKS & RECREATION – Adoption of a resolution authorizing a right of entry permit with the State of California Department of Parks & Recreation to maintain the upper picnic facilities at Tamarack State Beach and the coastal bluff at Tamarack/Frazee State Beach. (Staff contact: Tim Selke, Parks & Recreation)
   ACTION: Adopted Resolution No. 2020-082 – 4/0.

2. APPOINTMENT OF SAN DIEGO COUNTY WATER AUTHORITY BOARD OF DIRECTORS – Adoption of a CMWD resolution approving an appointment to the San Diego County Water Authority Board of Directors. (Staff contact: Vicki Quiram, Public Works)
   ACTION: Adopted CMWD Resolution No. 1640 appointing Keith Lewinger – 4/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARING: None.
DEPARTMENTAL AND CITY MANAGER REPORTS:

3. **REPORT ON RECOVERY-BASED GROUP HOMES** – Receive a report from the Ad-Hoc City Council Subcommittee on Sober Living Homes entitled “Recovery-Based Group Homes” and direct staff to pursue the action described in the Conclusion section of the report. (Staff contact: Jeff Murphy, Community Development)

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

**ACTION:** Council accepted the report.

**ACTION:** Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, to direct staff to develop an administrative policy for reporting Recovery-Based Group Homes and facilities that have permits or licenses with the City of Carlsbad or the State of California – 4/0.

Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, to direct staff to pursue the three actions presented in the conclusion of the report entitled “A Report on the Purpose, Challenges and Opportunities Related to Residents that Provide Housing and Support for People Recovering from Addiction”:

1. Pursuant to Carlsbad's 2018 Legislative Platform, the city will use the platform and legislative advocacy efforts to:
   - Protect the City's interests and local legislative authority and will take appropriate action when required to safeguard and/or advance the City's interests. This includes preserving and protecting the City's charter powers, duties and prerogatives to enact local legislation concerning local affairs.
   - The City Council will soon be considering updates to the city's Legislative Platform. A new policy, which specifically addresses RGHs, is proposed under the "Planning & Zoning" section of the Legislative Platform and is currently drafted as follows:
     (g) Support legislation that enables local agencies to effectively address issues concerning public safety and proper management of group homes.
   - 2. The city will continue to monitor current court cases and relevant lawsuits and report back for City Council consideration any decisions that result in definitive legal precedent and would feasibly allow the city to regulate RGHs, such as the Newport Beach and Costa Mesa cases.
   - 3. The city will continue to respond to complaints and calls from residents near RGHs and enforce those rules and regulations that apply to all single-family residences (i.e., unpermitted construction, public nuisances, trash). – 4/0.

4. **GUIDELINES FOR CONSIDERING CITY LEASE RENT DEFERRAL REQUESTS** – Adoption of a resolution approving guidelines for considering city lease rent deferral requests and approving city lease rent deferral requests for Chapters Café and New Village Arts. (Staff contact: Curtis Jackson, Real Estate)

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

**ACTION:** Adopted Resolution No. 2020-083 as amended (see Minutes for details) – 4/0.
5. **BUENA VISTA LAGOON ENHANCEMENT PROJECT UPDATE** – Receive a presentation from the San Diego Association of Governments (SANDAG) regarding the Buena Vista Lagoon Enhancement Project status, and adoption of a resolution approving a letter of support to the San Diego Association of Governments Board of Directors for selection of the Buena Vista Lagoon Enhancement Project Modified Saltwater Alternative and authorizing the City Manager to negotiate a project agreement with SANDAG, the City of Oceanside, the California Department of Fish and Wildlife and certain property owners for approval by the City Council. (Staff contact: Jason Haber, City Manager Department)

   **City Manager’s Recommendation**: Receive the presentation and adopt the resolution.
   **ACTION**: Adopted Resolution No. 2020-084 – 4/0.


   **City Manager’s Recommendation**: Receive the report.
   **ACTION**: Council received the report.

7. **CONSIDER OPTIONS TO FILL THE CITY COUNCIL AT-LARGE VACANCY** – Consider whether to fill the City Council at-large vacancy by appointment or wait until the seat is filled by the District 4 representative after the Nov. 3, 2020 general municipal election and provide direction to staff (Staff contact: Celia Brewer, City Attorney and Sheila Cobian, City Clerk Services)

   **City Manager’s Recommendation**: Discuss and provide direction to staff.
   **ACTION**: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, in support of the at-large City Council position to remain vacant until the November 3, 2020 general municipal election at which time the seat will transition to District 4 representation. – 3/1 (Hall – No).

8. **CLEAN ENERGY ALLIANCE UPDATE** – Provide an update on the Clean Energy Alliance and consider providing advice to the city’s Clean Energy Alliance board representatives. (Staff contact: Jason Haber, City Manager Department)

   **City Manager’s Recommendation**: Receive the report.
   **ACTION**: Council received the report.

9. **EXTENSION OF LOCAL COVID-19 PANDEMIC EMERGENCY AND MODIFICATION OF REGULAR CITY COUNCIL MEETING START TIME** – Adoption of a resolution extending the local COVID-19 emergency until terminated by the City Council and modifying the start time of regular City Council Meetings to 3 p.m. for the duration of the local emergency. (Staff contact: Scott Chadwick, City Manager Department)

   **City Manager’s Recommendation**: Adopt the resolution.
   **ACTION**: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, to amend the resolution to state that the Proclamation of Local Emergency is extended until action is taken by the County of San Diego or State of California directing the termination of the State of Emergency. – 3/1 (Hall – No).
   Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, to adopt Resolution No. 2020-085 as amended by the above Minute Motion. – 4/0.
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.

ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, to make a recommendation to the Economic Revitalization Committee subcommittee to pursue the three points made in the letter received from the Carlsbad District 1 Community Task Force:
1. Support a joint City-School celebration of the Carlsbad Class of 2020 graduating seniors.
2. If a business or restaurant has a private parking lot in the Village, the City allow those businesses to temporarily activate their parking lots for seating. Consider temporarily closing State Street to vehicular traffic and converting it to a pedestrian thoroughfare for the summer. Also allow restaurants and retailers of State Street to set up tables and seat guests on the sidewalks and in the street.
3. Write a letter of support to the Governor of California and State Representatives for temporary changes to ABC licenses allowing the consumption of alcoholic beverages in specific locations outdoors. - 4/0.
CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

ADJOURNMENT: 6:54 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.