



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

July 28, 2020, 3 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



### City cable channel

Charter Spectrum channel 24  
AT&T U-verse channel 99.



### City website

[carlsbadca.gov/news/cityty.asp](https://carlsbadca.gov/news/cityty.asp)

## Virtual meeting format

- Per 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 online only.
- 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.

## How to participate

- **By phone:** Sign up at <https://www.carlsbadca.gov/cityhall/clerk/meetings/default.asp> by 2 p.m. the day of the meeting to provide comments live by phone. You will receive a confirmation email with instructions about how to call in.
- **In writing:** Email comments to [clerk@carlsbadca.gov](mailto:clerk@carlsbadca.gov). Comments received by 2 p.m. the day of the meeting will be shared with the City Council prior to the meeting. When e-mailing comments, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**
- 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.** 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.

*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:** 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 Special Meeting held July 21, 2020

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

**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 Council will receive comments as requested up to a total of 15 minutes. All other comments 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.*

**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 THE PURCHASE OF THE OKTA SOFTWARE SUBSCRIPTION RENEWAL FROM CDW-G, LLC** – Adoption of a resolution authorizing the city manager or a designee to purchase the Okta Software Subscription renewal from CDW-G, LLC in an amount not to exceed \$381,135 for a three-year term ending Aug. 24, 2023. (Staff contact: Maria Callander, Administrative Services)  
**ACTION: Adopted Resolution No. 2020-157 – 4/0.**
2. **LICENSE AGREEMENT WITH CROWN CASTLE TOWERS 06-2** – Adoption of a resolution authorizing the city manager to execute a license agreement with Crown Castle Towers 06-02 LLC to operate a wireless communication facility on city property (APN 208-010-38-00, 208-010-39-00, and 208-010-42-00); future Robertson Ranch Community Park site. (Staff contact: Curtis Jackson, Real Estate)  
**ACTION: Adopted Resolution No. 2020-158 – 4/0.**
3. **AUTHORIZATION TO REQUEST BIDS FOR THE TAMARACK AVENUE AND VALLEY STREET PEDESTRIAN IMPROVEMENT PROJECT** – Adoption of a resolution approving the plans and specifications, appropriation of additional Gas Tax Funds in the amount of \$150,261, and authorizing the city clerk to advertise for bids for the Tamarack Avenue and Valley Street Pedestrian Improvement Project, Capital Improvement Program Project No. 6335. (Staff contact:

John Kim, Public Works)

**ACTION: Adopted Resolution No. 2020-159 – 4/0.**

4. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE NEW VILLAGE ARTS BUILDING ROOF AND EXTERIOR REFURBISHMENT PROJECT – Adoption of a resolution approving plans and specifications and authorizing the city clerk to advertise for bids for the New Village Arts Building Roof and Exterior Refurbishment Project, Capital Improvement Program Project No. 4739. (Staff contact John Maashoff, Public Works)

**ACTION: Adopted Resolution No. 2020-160 – 4/0.**

5. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE VALVE REPLACEMENT PHASE II PROJECT – Adoption of a Carlsbad Municipal Water District (CMWD) resolution approving plans and specifications and authorizing the Secretary to the CMWD Board to advertise for bids for the Valve Replacement Phase II, Capital Improvement Program Project No. 5019-E. (Staff contact: Stephanie Harrison and Vicki Quiram, Public Works)

**ACTION: Adopted CMWD Resolution No. 1643 – 4/0.**

6. ACCEPTANCE OF THE AMERICANS WITH DISABILITIES ACT BEACH ACCESS FEASIBILITY STUDY – Adoption of a resolution accepting the Americans with Disabilities Act Beach Access Feasibility Study, including the corresponding concept plans, and directing staff to prepare a request for proposals to pursue the environmental review, agency permitting, engineering and construction documentation phases of the project. (Staff contact: Sheila Cobian, City Manager Department)

**ACTION: Adopted Resolution No. 2020-161 – 4/0.**

7. NOVEMBER 3, 2020 COUNCIL COMPENSATION BALLOT MEASURE – 1) Adoption of a resolution ordering the submission to the qualified electors of the City of Carlsbad a certain measure relating to City Council compensation on the general election to be held on Tuesday, November 3, 2020, requesting that the San Diego County Board of Supervisors place the measure on the ballot and provide consolidation services and appropriating the necessary funds; and  
2) Adoption of a resolution setting priorities for filing written arguments regarding a city measure pertaining to City Council compensation and directing the city attorney to prepare an impartial analysis; and  
3) Adoption of a resolution setting priorities for filing of rebuttal arguments regarding a city measure pertaining to City Council compensation that will be submitted at the November 3, 2020, general municipal election. (Staff contact: Faviola Medina, City Clerk Department)

**ACTION: Adopted Resolution No. 2020-162 – 4/0.**

**ACTION: Adopted Resolution No. 2020-163 – 4/0.**

**ACTION: Adopted Resolution No. 2020-164 – 4/0.**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:** None.

**PUBLIC HEARINGS:**

8. PUBLIC HEARING TO FINALIZE THE 2020 WEED ABATEMENT COST REPORT – Adoption of a resolution accepting the 2020 Weed Abatement Cost Report and directing the city clerk to file a certified copy of the resolution with the San Diego County Assessor. (Staff contact: Randy Metz, Fire)

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

**ACTION: Adopted Resolution No. 2020-165 – 4/0.**

9. AN AMENDMENT TO THE CARLSBAD CORPORATE PLAZA SPECIFIC PLAN PARKING STRUCTURE – 1) Introduction of an ordinance amending the Carlsbad Corporate Plaza Specific Plan (SP 23(H)) to remove the 6,000-square-foot limitation on medical office use for existing office buildings located at 6183-6185 Paseo del Norte within the Mello II segment of the city's Local Coastal Program and Local Facilities Management Zone 3 (Case Name: Carlsbad Corporate Plaza Parking Structure; Case No.: Amend 2019-002); and  
2) Adoption of a resolution approving Minor Site Development Plan and Coastal Development Permit to allow the construction of a 35,360-square-foot, two-level parking structure located over an existing parking lot serving existing office buildings located at 6183-6185 Paseo del Norte within the Mello II segment of the Local Coastal Program and Local Facilities Management Zone 3 (Case Name: Carlsbad Corporate Plaza Parking Structure; Case No.: SDP 2019-0003/CDP 2019-0005). (Staff contact: Esteban Danna, Community Development)

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

**ACTION: Introduced Ordinance CS-379 and adopted Resolution No. 2020-166 – 4/0.**

#### DEPARTMENTAL AND CITY MANAGER REPORTS:

10. 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 and provide direction as appropriate.

**ACTION: Council received the report.**

**ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, directing staff to provide an update of the eviction moratorium and consider options for potential action at a future City Council meeting – 4/0.**

11. ADMINISTRATIVE ENFORCEMENT OF THE FACIAL COVERING REQUIREMENTS OF STATE AND COUNTY PUBLIC HEALTH ORDERS – Adoption a resolution issuing an emergency order mandating face coverings for all persons within Carlsbad city limits in accordance with the most recent San Diego County Order of the health officer and emergency regulations and the most recent California Department of Public Health face covering guidance. (Staff contact: Allegra Frost, City Attorney Department)

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

**ACTION: Motion to adopt resolution failed – 2/2 (Hall, Blackburn – No).**

**ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, to direct staff to draft a City of Carlsbad specific face covering Ordinance that includes time, place and manner of restrictions on boardwalks, staircases, gatherings and businesses – 3/1. (Hall – No).**

12. EMPOWER THE DIRECTOR OF EMERGENCY SERVICES TO TEMPORARILY SUSPEND OR MODIFY CERTAIN LAND DEVELOPMENT STANDARDS TO MITIGATE THE ECONOMIC EFFECTS OF THE COVID-

19 PANDEMIC STATE OF EMERGENCY ON LOCAL BUSINESSES – Adoption of a resolution empowering the Director of Emergency Services to temporarily suspend or modify certain land development standards to mitigate the economic effects of the COVID-19 pandemic state of emergency on local business. (Staff contact: Jeff Murphy, Community Development)

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

**ACTION: Adopted Resolution No. 2020-167 – 4/0.**

13. ANALYSIS AND OPTIONS ON PHYSICAL CHANGES TO COLLEGE BOULEVARD, FROM CARLSBAD VILLAGE DRIVE TO CANNON – 1) Receive the presentation regarding options on roadway safety and physical changes to College Boulevard, from Carlsbad Village Drive to Cannon Road; and 2) Adoption of a resolution approving implementation of up to 11 speed feedback signs on College Boulevard, North of Cannon Road. (Staff contact: John Kim and Tom Frank, Public Works)

**City Manager’s Recommendation:** Receive the presentation and adopt the resolution.

**ACTION: Adopted Resolution No. 2020-168 – 4/0.**

14. CLEAN ENERGY ALLIANCE LOAN TERMS – 1) Provide feedback on the proposed terms of a potential loan to fund the Clean Energy Alliance’s community choice aggregation program launch; and 2) Consider the following options to direct staff to either:
- a. Return to the City Council with a proposed loan agreement based on the terms discussed and agreed on by the City Council to obtain the council’s final approval authorizing the city manager to execute the loan agreement and appropriate the funds
  - b. Adopt a resolution appropriating \$4,450,000 from the city’s unassigned General Fund reserve and authorizing the city manager to negotiate terms, within the City Council’s agreed upon parameters, and execute a loan agreement with the Clean Energy Alliance
  - c. Take no further action on the matter. (Staff contact: Ryan Green, Administrative Services Department and Jason Haber, City Manager Department)

**City Manager’s Recommendation:** Consider options and provide staff with feedback.

**ACTION: Motion to adopt Option A failed – 2/2 (Hall, Blackburn – No).**

15. TRAFFIC & MOBILITY COMMISSION APPOINTMENTS – Adoption of resolutions appointing two members to the Traffic & Mobility Commission. (Staff contact: Tammy McMinn, City Clerk Department)

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

**ACTION: Adopted Resolution No. 2020-169 re-appointing Monica Gocan – 3/1 (Schumacher – No).**

**ACTION: Adopted Resolution No. 2020-170 appointing Allan Wanamaker – 3/1 (Schumacher – No).**

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

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

<b>Matt Hall</b>	North County Mayors and Managers
<b>Mayor</b>	City/School Committee
	Chamber of Commerce Liaison (primary)
	Clean Energy Alliance JPA (alternate)

San Diego County Water Authority  
San Diego Regional Economic Development Corporation Board of Directors

**Keith Blackburn**  
**Mayor Pro Tem**

Buena Vista Lagoon JPC  
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  
Clean Energy Alliance JPA (primary)  
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. 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 Mayor Hall, seconded by Mayor Pro Tem Blackburn, to direct staff to bring back to City Council, Item No. 5 from the July 23, 2020 Clean Energy Alliance meeting agenda regarding the Inclusive & Sustainable Workforce Policy for discussion at the August 18, 2020 City Council meeting – 3/1 (Schumacher – No).**

**CITY MANAGER COMMENTS:**

**CITY ATTORNEY COMMENTS:**

**ADJOURNMENT: 6:47 p.m.**

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.

In accordance with Carlsbad Municipal Code (CMC) Section 20.20.20, notice is hereby given that the City Engineer has reviewed and, immediately following this City Council Meeting of July 28, 2020 will approve the following final map:

## **Carlsbad Tract CT 2018-0006, located generally at 570-580 Laguna Drive.**

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- 1) The map substantially conforms to the approved tentative map, and approved alterations thereof and any conditions of approval imposed with said tentative map.
- 2) The map complies with the provisions of the Subdivision map Act and any local ordinances applicable at the time of approval of the tentative map.
- 3) The map is technically correct.

Said map will be finalized and recorded, unless an interested party files a valid appeal of the City Engineer's action to City Council no later than 10 calendar days from the date of the City Engineer's action. The appeal shall specifically state the reason(s) for the appeal; see CMC Section 20.20.165 and 21.54.150.

If you have any question about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact the City Clerk's Office at (760) 434-2808.

### **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.