



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Aug. 18, 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

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. 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 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. 4.

INVOCATION: None.

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

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held June 16, 2020

Minutes of the Special Meeting held June 23, 2020

Minutes of the Regular Meeting held June 23, 2020

Minutes of the Special Meeting held July 14, 2020

Minutes of the Regular Meeting held July 14, 2020

Minutes of the Regular Meeting held July 21, 2020

Minutes of the Special Meeting held July 28, 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. **REPORT ON CITY INVESTMENTS AS OF JUNE 30, 2020** – Accept and file report on city investments as of June 30, 2020. (Staff contact: Craig Lindholm and Laura Rocha, Administrative Services)

ACTION: Council received the report.

2. **EXTENSION OF LICENSE AGREEMENT WITH COX COMMUNICATIONS CALIFORNIA, LLC TO ALLOW THE CONTINUED USE OF THE PUBLIC RIGHT-OF-WAY WITHIN THE CITY TO PROVIDE SERVICES TO THE PALOMAR AIRPORT INDUSTRIAL AREA** – Adoption of a resolution authorizing the city manager or his designee to extend the license agreement between the City of Carlsbad and Cox Communications California, LLC. (Staff contact: Maria Callander, Administrative Services)

ACTION: Adopted Resolution No. 2020-171 – 4/0.

3. **REJECTION OF ALL BIDS RECEIVED FOR THE CALAVERA HILLS COMMUNITY PARK GATEWAY**

IMPROVEMENTS PROJECT – Adoption of a resolution rejecting all bids received for the Calavera Hills Community Park Gateway Improvements Project (Capital Improvement Project No. 4601). (Staff contact: Kyle Lancaster, Parks & Recreation)

ACTION: Adopted Resolution No. 2020-172 – 4/0.

4. APPROVE THE EXECUTION OF MASTER SERVICE AGREEMENTS FOR AS-NEEDED CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS TESTING SERVICES – 1) Adoption of a resolution approving the execution of master service agreements with the City of Carlsbad for as-needed horizontal construction management and inspection services with Kleinfelder Construction Services, Inc., Infrastructure Engineering Corporation, Harris & Associates, Inc., and Valley CM Inc. dba Valley Construction Management; as-needed vertical construction management and inspection services with SchneiderCM, Inc., Griffin Structures, Inc., Kitchell/CEM, Inc., and Anser Advisory Management, LLC dba Anser Advisory; and as-needed materials testing services with Atlas Technical Consultants LLC (formerly SCST, Inc.), Leighton Consulting, Inc., Twining, Inc., and Barnett Quality Control Services dba Nova Services, Inc.; and 2) Adoption of a Carlsbad Municipal Water District (CMWD) resolution approving the execution of master service agreements with CMWD for as-needed horizontal construction management and inspection services with Kleinfelder Construction Services, Inc., Infrastructure Engineering Corporation, Harris & Associates, Inc., and Valley CM, Inc. dba Valley Construction Management; as-needed vertical construction management and inspection services with SchneiderCM, Inc., Griffin Structures, Inc., Kitchell/CEM, Inc., and Anser Advisory Management, LLC dba Anser Advisory; and as-needed materials testing services with Atlas Technical Consultants LLC (formerly SCST, Inc.), Leighton Consulting, Inc., Twining, Inc., and Barnett Quality Control Services dba Nova Services, Inc. (Staff contact: Babaq Taj, Public Works)

ACTION: Adopted Resolution No. 2020-173 – 4/0.

ACTION: Adopted CMWD Resolution No. 1644 – 4/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

5. ADOPTION OF ORDINANCE NO. CS-379 – Adoption of Ordinance No. CS-379 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 2019-0002). (Staff contact: Faviola Medina, City Clerk Department)

City Manager’s Recommendation: Adopt Ordinance No. CS-379.

ACTION: Adopted Ordinance No. CS-379 – 4/0.

PUBLIC HEARINGS: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

6. 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 to direct staff to bring back options with cost prohibitive administrative fees to Council for expanding outdoor retail at the parking lots at the Shoppes at Carlsbad. Motion passed unanimously. – 4/0.

ACTION: Minute Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel to direct staff to bring back options to Council on a continuing partnership with the Oceanside Kitchen Collaborative. Motion passed unanimously. – 4/0.

7. ECONOMIC RECOVERY AND REVITALIZATION INITIATIVE UPDATES AND ACTIONS – 1) Adoption of a resolution approving further implementation of the economic recovery and revitalization initiative and modifications to the COVID-19 Small Business Loan Program, and
2) Provide additional direction based upon a report out by the Ad Hoc City Council Economic Revitalization Subcommittee. (Staff contact: David Graham, Administrative Services)

City Manager's Recommendation: Adopt the resolution and provide additional direction.

ACTION: Adopted Resolution No. 2020-174 – 4/0.

ACTION: Minute Motion by Council Member Bhat-Patel, seconded by Mayor Hall, to place on a future agenda for City Council discussion, a permit fee holiday period which would provide economic relief for temporary activation and permanent use of public property for business operations from March 1, 2020 through February 28, 2021 or until the end of the health emergency, whichever is later; and establish the Gift Carlsbad program, which would provide value-added gift-cards for restaurants, retailers and personal service providers. Motion passed unanimously. – 4/0.

8. REVIEW OF JULY 23, 2020 CLEAN ENERGY ALLIANCE JOINT POWERS AUTHORITY SPECIAL MEETING AGENDA ITEM 5 – CLEAN ENERGY ALLIANCE INCLUSIVE & SUSTAINABLE WORKFORCE POLICY – Review and discuss the July 23, 2020 Clean Energy Alliance Joint Powers Authority Board of Directors Special Meeting Agenda Item 5 – Clean Energy Alliance Inclusive & Sustainable Workforce Policy. (Staff contact: Jason Haber, City Manager Department)

City Manager's Recommendation: Review and discuss the item.

ACTION: Council reviewed and discussed the item.

9. PRESENTATION ON POLICE USE OF FORCE AND POLICE OFFICERS BILL OF RIGHTS AND DISCUSSION ON CITIZENS REVIEW COMMITTEE ON POLICE PRACTICES AND PROCEDURES – Receive a presentation on police use of force and Police Officers Bill of Rights and discuss background information regarding the formation of citizens review committees on police practices and procedures. (Staff contact: Celia Brewer, City Attorney Department; Mickey Williams, Police Department; Judy von Kalinowski, Human Resources Department; and Sheila Cobian, City Manager Department)

City Manager's Recommendation: Receive the presentation and discuss the item.

ACTION: Council received the report.

ACTION: Minute Motion by Council Member Bhat-Patel, seconded by Council Member Schumacher to direct staff to return to City Council with no date certain, a staff report regarding a citizens review committee on police practices and procedures detailing the three types of civilian oversight (auditor/monitor, review-focused and investigation-focused), that includes a staff

recommendation on which type might be best suitable for Carlsbad. 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)
Clean Energy Alliance JPA (alternate)
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 (1st alternate)
North County Transit District (alternate)

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

Cori Schumacher SANDAG (primary)
Council Member – District 1 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.

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

ADJOURNMENT: 6:45 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.

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.