



# CITY COUNCIL Agenda

Sept. 1, 2020, 3 p.m.

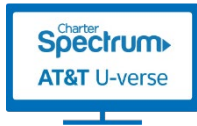
Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

## Welcome

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.

## to Your City Council Meeting

### How to watch



#### City cable channel

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



#### City website

[carlsbadca.gov/news/cityty.asp](http://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.

*IN THE EVENT A QUORUM OF THE CITY COUNCIL LOSES ELECTRICAL POWER OR SUFFERS AN INTERNET CONNECTION OUTAGE THAT IS NOT CORRECTED WITHIN 15 MINUTES, THE MEETING WILL AUTOMATICALLY BE ADJOURNED. ANY ITEMS NOTICED AS PUBLIC HEARINGS WILL BE CONTINUED TO THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL. ANY OTHER AGENDA ITEMS THE COUNCIL HAS NOT TAKEN ACTION ON WILL BE PLACED ON A FUTURE AGENDA.*

**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:**

**ROLL CALL:**

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** None.

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

Minutes of the Regular Meeting held July 28, 2020

**PRESENTATIONS:**

2019 Citizens of the Year Recognition

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:**

**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 JULY 31, 2020 – Accept and file report on city investments as of July 31, 2020. (Staff contact: Craig Lindholm and Laura Rocha, Administrative Services)
2. RESCIND CITY COUNCIL POLICIES 6, 7, 32 AND 34 – Adoption of a resolution rescinding City Council Policies 6, 7, 32 and 34. (Staff contact: Sheila Cobian, City Manager’s Department)

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:**

3. ORDINANCE NO. CS-380 WAIVER OF ADJUSTMENTS TO CITY COUNCIL COMPENSATION FOR 2019 AND 2020 – Adoption of Ordinance No. CS-380 permanently waiving City Council compensation adjustments for 2019 and 2020. (Staff contact: Faviola Medina, City Clerk’s Office)

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

## PUBLIC HEARINGS:

4. CTBID ASSESSMENT MODIFICATION PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. CS-381  
– 1) Adoption of a resolution confirming the modified annual report of the Carlsbad Tourism Business Improvement District (CTBID) and levying the modified assessments for fiscal year 2020-21 beginning Nov. 1, 2020; and  
2) Adoption of Ordinance No. CS-381 amending Carlsbad Municipal Code Section 3.37.050 to modify the assessment for the Carlsbad Tourism Business Improvement District. (Staff Contact: Cheryl Gerhardt, Administrative Services Department)

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

5. UPDATE TO THE CITY’S DENSITY BONUS REGULATIONS TO REFLECT CHANGES IN STATE LAW – Introduction of an ordinance adopting a Zone Code amendment and a Local Coastal Program amendment to update the city’s density bonus regulations to reflect changes in state law (Case Name: Density Bonus Amendments 2020; Case No.: ZCA 2020-0001/LCPA 2020-0005). (Staff contact: Corey Funk, Community Development)

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

6. UPDATE TO THE CITY’S DEVELOPMENT REGULATIONS TO ENSURE CONSISTENCY WITH STATE LAW ON ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS – 1) Introduction of an ordinance adopting amendments to the Carlsbad Municipal Code Chapter 5.60 (Short-Term Vacation Rentals) to ensure consistency with state law related to accessory dwelling units and junior accessory dwelling units (Case Name: Accessory Dwelling Unit Amendments 2020; Case No.: MCA 2020-0001);  
2) Introduction of an ordinance adopting amendments to Title 21 of the Carlsbad Municipal Code (Zone Code), Village and Barrio Master Plan and Local Coastal Program to ensure consistency with state law related to accessory dwelling units and junior accessory dwelling units (Case Name: Accessory Dwelling Unit Amendments 2020; Case No.: ZCA 2020-0002/AMEND 2020-0005/LCPA 2020-0006). (Staff contact: Corey Funk, Community Development)

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

## 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 and provide direction as appropriate.

8. TEMPORARILY SUSPEND COLLECTION OF FEES TO MITIGATE ECONOMIC EFFECTS OF COVID-19 PANDEMIC – Adoption of a resolution empowering the director of emergency services to temporarily suspend the collection of fees for sidewalk café, outdoor display, and curb café permits. (Staff contact: David Graham, Administrative Services)

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

9. SPONSORSHIP OF THE GIFT CARLSBAD SHOP LOCAL PROGRAM – Adoption of a resolution appropriating funding to the Carlsbad Chamber of Commerce to sponsor the Gift Carlsbad Shop Local Program. (Staff contact: David Graham, Administrative Services)

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

10. DISCUSSION TO INITIATE REVIEW OF CARLSBAD POLICE POLICIES & PROCESSES, INCLUDING USE OF FORCE AND DE-ESCALATION POLICIES – Consider a request from City Council Member Schumacher to review the following: 1) The administrative reorganization that placed the Homeless Response Plan under the Police Department; 2) Carlsbad Municipal Code Section 2.04.060.B and 2.06.090.B, which allow a City Council Member or the Mayor to serve, without compensation, as a voluntary police officer; 3) City of Carlsbad use of force policy; and 4) City of Carlsbad de-escalation policy. (Staff contact: Sheila Cobian, City Manager’s Department)

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

11. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES CONFERENCE – Adoption of a resolution designating a voting delegate and alternates for the League of California Cities Annual Conference to be held virtually on Oct. 7-9, 2020. (Staff contact: Faviola Medina, City Clerk’s Office)

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

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

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

**Matt Hall**  
**Mayor**  
 North County Mayors and Managers  
 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.

**CITY MANAGER COMMENTS:**

**CITY ATTORNEY COMMENTS:**

**ADJOURNMENT:**

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 September 1, 2020 will approve the following final map:

**Carlsbad Tract CT 2019-0002, located generally at 735 Oak Avenue.**

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.