



CITY COUNCIL Agenda

Sept. 22, 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



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.

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: 3 p.m.

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

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

INVOCATION: None.

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

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Aug. 18, 2020

Minutes of the Regular Meeting held Aug. 25, 2020

Minutes of the Special Meeting held Aug. 27, 2020

ACTION: Approved Minutes as presented – 4/0.

PRESENTATIONS:

Public Safety Month Proclamation

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: None.

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: None.

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

ORDINANCES FOR INTRODUCTION:

1. **REPEAL AND REPLACEMENT OF CARLSBAD MUNICIPAL CODE CHAPTER 6.16 NUISANCE – 1)**
Introduction of an ordinance repealing and replacing Title 6, Chapter 6.16 of the Carlsbad Municipal Code concerning public nuisances and property maintenance that either provides for the City Council to authorize and hear challenges to nuisance abatement actions or provides for the city manager to authorize and hear challenges to nuisance abatement actions. (Staff contact: Marissa Kawecky, City Attorney's Office)

City Manager's Recommendation: Introduce the ordinance.

ACTION: Introduced Ordinance No. CS-385 that provides for the City Council to authorize and hear challenges to nuisance abatement actions – 4/0.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

2. 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 and provided staff with direction (see Minutes for details).

3. FACIAL COVERING REQUIREMENTS AND ENHANCED ENFORCEMENT OF THE COUNTY HEALTH ORDER FOR BEACH BOARDWALKS, STAIRCASES, GATHERINGS AND BUSINESSES – 1) Consider adoption of a resolution issuing an emergency order mandating face coverings in certain high-traffic pedestrian areas of the City of Carlsbad; or
Alternatively, consider adoption of a resolution approving the appropriation of \$69,210 from the general fund to the Police Department’s FY21 operating budget for police officers to provide enhanced education and enforcement of the County Health Order’s face mask requirements at the beach; and
2) Provide further direction to staff on what additional face covering requirements for gatherings and businesses the City Council would like. (Staff contact: Allegra Frost, City Attorney Department, Pete Pascual, Police Department)

City Manager’s Recommendation: Consider adopting the resolution and provide staff with further direction.

ACTION: Adopted Resolution No. 2020-191 approving the appropriation of \$69,210 from the general fund to the Police Department’s FY21 operating budget for police officers to provide enhanced education and enforcement of the County Health Order’s face mask requirements at the beach. – 3/1 (Hall – No).

4. UPDATE ON WORK TO BUILD THE CITY’S DIGITAL INFORMATION NETWORK – Receive a report on the status of the implementation of a robust digital information network. (Staff contact: Maria Callander and Joe Stephenson, Administrative Services Department)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report.

5. AWARD OF CONTRACT TO SD REMODELING, INC., FOR NEW VILLAGE ARTS BUILDING ROOF AND EXTERIOR REFURBISHMENT PROJECT – Adoption of a resolution accepting bids, awarding a contract to SD Remodeling, Inc. and authorization for additional appropriation for construction of the New Village Arts Building Roof and Exterior Refurbishment Project, CIP Project No. 4739. (Staff contact: John Maashoff, Public Works)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2020-192 – 4/0.

6. AWARD OF CONTRACT TO BARNHART-REESE CONSTRUCTION, INC. FOR DESIGN-BUILD CONTRACT FOR THE FIRE STATION NO. 2 REPLACEMENT PROJECT – Adoption of resolution accepting the proposals received, authorizing award of a design-build contract to Barnhart-Reese Construction, Inc. to provide design-build services for the Fire Station No. 2 Replacement Project, CIP Project No. 4060, for an amount not to exceed \$11,222,472, authorizing additional appropriation in an amount of \$1,433,883, and denying AMG & Associates, Inc.’s appeal. (Staff contact: Steven Stewart, Public Works and Michael Calderwood, Fire Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2020-193 – 4/0.

7. APPOINT ONE MEMBER TO THE BEACH PRESERVATION COMMISSION – Adoption of resolution appointing one member to the Beach Preservation Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2020-194 re-appointing Brian Colby to the Beach Preservation Commission – 4/0.

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 City Council Legislative Subcommittee Economic Revitalization Subcommittee Ad-Hoc City Council North County Homeless Action Plan Subcommittee
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 st alternate) North County Transit District (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee
Priya Bhat-Patel Council Member – District 3	SANDAG (2 nd alternate) North County Transit District (primary) City/School Committee League of California Cities – SD Division Encina Wastewater Authority/JAC Board of Directors (alternate) City Council Legislative Subcommittee Economic Revitalization Subcommittee Ad-Hoc City Council North County Homeless Action Plan Subcommittee
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) Carlsbad Municipal Code and City Council Policy Update Subcommittee
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: 5:45 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.