



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Oct. 6, 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 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](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:** 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 Sept. 1, 2020

Minutes of the Regular Meeting held Sept. 15, 2020

Minutes of the Special Meeting held Sept. 22, 2020

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

**PRESENTATIONS:**

National Arts & Humanities Month Proclamation

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

1. **CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATING LITIGATION**

That the City Council, by motion, authorize a closed session to consider initiation of litigation of one case pursuant to Government Code Section 54956.9(d)(4).

**ACTION: No reportable action.**

2. **CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION**

That the City Council, by motion, authorize a closed session to discuss anticipated litigation of one case pursuant to Government Code Section 54956.9(d).

**ACTION: The City Council, by unanimous vote, authorized the initiation of litigation against Carlsbad Unified School District and/or its contractor for unpermitted construction work at Kelly Elementary School. The district has refused to halt construction activity when directed as required by law. Should the district cease construction activity before the city files this action, the city may determine no additional action is needed. Meanwhile, the City Council is requesting a meeting of the school's subcommittee to discuss this matter.**

**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 AUG. 31, 2020 – Accept and file Report on City Investments as of Aug. 31, 2020. (Staff contact: Craig Lindholm and Laura Rocha, Administrative Services)  
**ACTION: Council received the report.**
  
2. CALTRANS MASTER AGREEMENT AND PROGRAM SUPPLEMENT FOR THE LOCAL ROADWAY SAFETY PLAN GRANT AWARD – 1) Adoption of a resolution authorizing execution of the master agreement for state-funded projects, Agreement No. 00572S, with the California Department of Transportation and authorizing the city manager or designee to execute program supplement agreements; and  
2) Adoption of a resolution authorizing execution of Program Supplement Agreement No. V28 with the California Department of Transportation for the Local Roadway Safety Plan Grant. (Staff contact: Nathan Schmidt and Tom Frank, Public Works)  
**ACTION: Adopted Resolution No. 2020-195 – 4/0.**  
**ACTION: Adopted Resolution No. 2020-196 – 4/0.**
  
3. ADVERTISE FOR BIDS FOR PHASE I OF THE EL CAMINO REAL AND CANNON ROAD INTERSECTION IMPROVEMENTS CIP PROJECT NO. 6042 AND 6056 – Adoption of a resolution approving plans and specifications, authorizing the city clerk to advertise for bids, and approving additional funding appropriation from the Traffic Impact Fees in an amount of \$221,000 for Phase I of the El Camino Real and Cannon Road Intersection Improvements, CIP Project No. 6042 and 6056. (Staff contact: Brandon Miles, Public Works)  
**ACTION: Adopted Resolution No. 2020-197 – 4/0.**
  
4. SECOND AMENDMENT TO RETAIL LEASE AGREEMENT WITH HOUSE MARTEL, LLC – Adoption of a resolution approving a Second Amendment to the Retail Lease Agreement with House Martel, LLC to defer rent for up to nine months due to COVID-19 and authorizing the city manager to execute the second amendment for the Chapters Café located within the Carlsbad City Library at 1775 Dove Lane. (Staff contact: Curtis Jackson, Real Estate)  
**ACTION: Adopted Resolution No. 2020-198 – 4/0.**
  
5. MEMORANDUM OF UNDERSTANDING WITH CARLSBAD UNIFIED SCHOOL DISTRICT FOR THE 2020-21 SCHOOL RESOURCE OFFICER PROGRAM – Adoption of a resolution approving a memorandum of understanding between the City of Carlsbad and Carlsbad Unified School District for the School Resource Officer Program for the 2020-21 school year. (Staff contact: Cindie Anderson, Police Department)  
**ACTION: Item returned to staff. See minutes for details.**
  
6. SIDE LETTER AGREEMENT WITH CARLSBAD FIREFIGHTERS’ ASSOCIATION, INC. – Adoption of a resolution approving a side letter agreement with the Carlsbad Firefighters’ Association, Inc. to modify Articles 11, 12 and 38 and add an association time bank article to the Memorandum of Understanding between the city and the Association and approving related revisions to the Management Compensation and Benefits Plan. (Staff contact: Debbie Porter and Judy von Kalinowski, Human Resources Department)  
**ACTION: Adopted Resolution No. 2020-199 – 4/0.**

#### ORDINANCES FOR INTRODUCTION:

7. ORDINANCE TO ESTABLISH NO PARKING ZONES ON BOTH SIDES OF PASEO DEL NORTE AND CAR COUNTRY DRIVE – Introduction of an ordinance amending Sections 10.40.072 and 10.40.073 of

the Carlsbad Municipal Code to establish no parking zones on both sides of Paseo Del Norte and Car Country Drive from Cannon Road to the intersection of Paseo Del Norte and Car Country Drive between the hours of midnight and 6 a.m. (Staff contact: Christie Calderwood, Police Department)

**City Manager’s Recommendation:** Introduce the ordinance.  
**ACTION: Introduced Ordinance No. CS-386**

**ORDINANCES FOR ADOPTION:**

8. ORDINANCE NO. CS-385 – REPEAL AND REPLACEMENT OF CARLSBAD MUNICIPAL CODE CHAPTER 6.16 - NUISANCES – Adoption of Ordinance No. CS-385 repealing and replacing Title 6, Chapter 6.16 of the Carlsbad Municipal Code concerning public nuisances and property maintenance. (Staff contact: Faviola Medina, City Clerk Services)

**City Manager’s Recommendation:** Adopt Ordinance No. CS-385.  
**ACTION: Adopted Ordinance No. CS-385 – 4/0.**

**PUBLIC HEARINGS:**

*This item is being continued to Nov. 17, 2020, at the request of the project applicant with the concurrence of the Appellant.*

9. ROMERIA POINTE APARTMENTS APPEAL OF A PLANNING COMMISSION DECISION TO APPROVE A SITE DEVELOPMENT PLAN AND STATE DENSITY BONUS ALLOWING THE CONSTRUCTION OF A FOUR-STORY RESIDENTIAL APARTMENT PROJECT

*This item is being continued to the regular meeting of Oct. 13, 2020.*

10. CARLSBAD STATION TENTATIVE TRACT MAP AND SITE DEVELOPMENT PLAN TO CONSTRUCT A FOUR-STORY MIXED-USE PROJECT

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

11. 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.**

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

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

<b>Matt Hall</b> <b>Mayor</b>	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
<b>Keith Blackburn</b> <b>Mayor Pro Tem</b>	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)  
Carlsbad Municipal Code and City Council Policy Update Subcommittee

**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)  
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: 3:58 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.