



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Dec. 8, 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](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 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 decide.

*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:**

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

**APPROVAL OF MINUTES:**

Minutes of the Regular Meeting held Nov. 3, 2020

Minutes of the Special Meeting held Nov. 17, 2020

**Approved minutes as presented – 4/0.**

**APPROVAL OF ELECTION RESULTS:**

1. **DECLARING THE RESULTS OF THE NOV. 3, 2020, GENERAL MUNICIPAL ELECTION** – Adoption of a resolution reciting the facts of the General Municipal Election held on Nov. 3, 2020, declaring the results and such other matters as provided by law. (Staff contact: Faviola Medina, City Clerk Department)

**ACTION: Adopted Resolution No. 2020-225 – 4/0.**

**PRESENTATIONS:**

Oath of Office Ceremony

**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:**

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

2. **RECEIVE AND FILE BOARDS, COMMISSIONS AND COMMITTEES 2021 LOCAL APPOINTMENTS LIST**  
Receive and file boards, commissions and committees Local Appointment List for 2021. (Staff contact: Faviola Medina, City Clerk Department)

**ACTION: Council received the list.**

3. **AUTHORIZATION OF RIGHT OF ENTRY PERMIT WITH STATE OF CALIFORNIA DEPARTMENT OF PARKS & RECREATION TO PROVIDE ACCESS ONTO CARLSBAD STATE BEACH FOR STORM DRAIN MAINTENANCE ACTIVITIES** – Adoption of a resolution authorizing a right of entry permit with the

California Department of Parks and Recreation to provide equipment and personnel access onto Carlsbad State Beach for city storm drain maintenance activities as part of the Storm Drain Outfall Replacement Program, CIP Project No. 6624. (Staff contact: Daniel Zimny, Public Works)

**ACTION: Adopted Resolution No. 2020-226 – 5/0.**

4. AGREEMENT WITH LMUU, INC. DBA SPARKLE FRESHNESS FOR AS-NEEDED DISINFECTING SERVICES

Adoption of a resolution approving an agreement with LMUU, Inc., a California Corporation, DBA Sparkle Freshness, for as-needed disinfecting services for city facilities in response to the COVID-19 pandemic in an amount not to exceed \$310,758 for an initial one-year term. (Staff contact: Shawn Gaskari and Barney Dresman, Public Works)

**ACTION: Adopted Resolution No. 2020-227 – 5/0.**

5. MAKE ADJUSTMENTS FOR CERTAIN PART-TIME JOB CLASSIFICATIONS TO COMPLY WITH CALIFORNIA'S NEW MINIMUM WAGE

– Adoption of a resolution approving revisions to the City of Carlsbad Part-Time Salary Schedule and authorizing adjustments effective Jan. 1, 2021 for part-time employees who are below the new minimum wage. (Staff contact: Judy von Kalinowski and Silvano Rodriguez, Human Resources)

**ACTION: Adopted Resolution No. 2020-228 – 5/0.**

6. ADVERTISE FOR BIDS FOR THE CITY FACILITY SAFETY AND PARKING LOT LIGHTING PROJECT AT THREE COMMUNITY PARKS, CIP NO. 6074

– Adoption of a resolution approving the contract documents, plans and specifications for the City Facility Safety and Parking Lot Lighting Project, CIP No. 6074, at Calavera Hills, Poinsettia and Stagecoach Community Parks and authorizing the city clerk to advertise the project for public bids. (Staff contact: Tim Selke, Parks & Recreation)

**ACTION: Adopted Resolution No. 2020-229 – 5/0.**

7. AWARD OF CONTRACT TO LAND FORMS LANDSCAPE FOR CALAVERA HILLS COMMUNITY PARK GATEWAY IMPROVEMENTS PROJECT, CIP NO. 4601

– Adoption of a resolution awarding a construction contract to Land Forms Landscape Construction for the Calavera Hills Community Park Gateway Improvements Project, CIP No. 4601, in an amount not to exceed \$926,790 and appropriating \$249,500 in additional funds from the General Capital Construction Fund. (Staff contact: Tim Selke, Parks & Recreation)

**ACTION: Adopted Resolution No. 2020-230 – 5/0.**

8. APPROPRIATE FUNDS THROUGH THE FISCAL YEAR 2020 OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

– Adoption of a resolution authorizing the city manager to accept the fiscal year 2020 Office of Traffic Safety Selective Traffic Enforcement Program and authorizing the deputy city manager of Administrative Services to appropriate the funds for Selective Traffic Enforcement Program expenses in the amount of \$108,000. (Staff contact: Cindy Anderson, Police Department)

**ACTION: Adopted Resolution No. 2020-231 – 5/0.**

9. FISCAL YEAR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

– Adoption of a resolution authorizing the city manager to accept the FY 2020 Edward Byrne Memorial Justice Assistance Grant funds and authorizing the deputy city manager of Administrative Services or his/her designee to appropriate \$15,002 to the Public Safety Grants Special Revenue Fund. (Staff contact: Cindy Anderson, Police Department)

**ACTION: Adopted Resolution No. 2020-232 – 5/0.**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:** None.

**PUBLIC HEARINGS:** None.

**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;

**Minute Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, requesting staff to bring back a Carlsbad hotel voucher program for homeless in the City of Carlsbad for a future discussion – 4/1 (Hall – No).**

11. **APPROVAL OF COUNCIL POLICY NO. 90 - ADMINISTRATION OF THE CARLSBAD HOUSING TRUST FUND (ALL DISTRICTS)** – Adoption of a resolution approving City Council Policy No. 90 – Administration of the Carlsbad Housing Trust Fund. (Staff contact: Jeff Murphy, Community Development)

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

**ACTION:** Adopted Resolution No. 2020-233 as amended (see minutes for details) – 5/0.

12. **AMENDMENTS TO COUNCIL POLICY NO. 73 – CITY OPTIONS TO PURCHASE RESALE AFFORDABLE HOUSING AND APPROVE NEW AFFORDABLE HOUSING RESALE PROGRAM GUIDELINES** – Adoption of a resolution approving amendments to City Council Policy No. 73 regarding the city option to purchase resale affordable housing and approving affordable housing resale program guidelines. (Staff contact: David de Cordova, Community Development)

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

**ACTION:** Adopted Resolution No. 2020-234 – 5/0.

13. **HOTEL EMPLOYEE RECALL RIGHTS ORDINANCE** – 1) Introduce an urgency ordinance amending Carlsbad Municipal Code Title 5, with the addition of Chapter 5.70, Hotel Employee Recall Rights; 2) Introduce an ordinance amending Carlsbad Municipal Code Title 5, with the addition of Chapter 5.70, Hotel Employee Recall Rights. (Staff contact: Cindie McMahon, City Attorney)

**City Manager’s Recommendation:** Introduce the ordinances.

**ACTION:** Adopted urgency Ordinance No. 387 as amended (see minutes for details) – 4/1 (Hall – No); Introduced Ordinance No. 388 as amended (see minutes for details) – 4/1 (Hall – 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  
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<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: 6:27p.m.**

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 December 8, 2020 will approve the following final map:

## **Carlsbad Tract CT 2018-0008 located generally at 786 Grand Avenue, Carlsbad, CA.**

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.