



CITY COUNCIL Agenda

Jan. 19, 2021, 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/citytv.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 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 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, Acosta, 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 Nov. 17, 2020

Approved minutes as presented – 4/0/1 (Acosta – Abstain).

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 NOV. 30, 2020** – Accept and file Report on City Investments as of Nov. 30, 2020. (Staff contact: Craig Lindholm and Laura Rocha, Administrative Services)
ACTION: Council received the report.
2. **ADDITIONAL SETTLEMENT OF WORKER’S COMPENSATION CLAIM OF DEREK HARVEY** – Adoption of a resolution authorizing additional settlement of the worker’s compensation claim of Derek Harvey. (Staff contact: Sarah Reiswig and Judy von Kalinowski, Administrative Services)
ACTION: Adopted Resolution No. 2021-019 – 5/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

3. **ORDINANCE NO. CS-389 – CITY ENGINEER ROLES AND RESPONSIBILITIES** – Adoption of Ordinance No. CS-389 amending sections 2.08.035, 2.24.020, 3.40.030, 8.48.020, 10.33.020, 11.16.020, 11.16.030 and 20.04.020 and adding sections 2.08.036, 2.08.037 and 13.16.020 of the Carlsbad Municipal Code. (Staff contact: Faviola Medina, City Clerk Department)

City Manager's Recommendation: Adopt Ordinance No. CS-389.

ACTION: Adopted Ordinance No. CS-389 – 5/0.

PUBLIC HEARINGS:

4. AMENDMENT TO THE 2020-21 ANNUAL ACTION PLAN – Adoption of a resolution approving the fiscal year 2020-21 amended Annual Action Plan and inclusion of the CARES Act supplemental funding, approving the CDBG Advisory Committee Funding recommendations and authorizing the submittal of the consolidated plan to the U.S. Department of Housing and Urban Development. (Staff contact: Nancy Melander, Community Development)

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

ACTION: Adopted Resolution No. 2021-020 – 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

5. COVID-19: MINUTE ORDER ON A COMPREHENSIVE APPROACH TO ADDRESS PUBLIC HEALTH ORDER COMPLIANCE – 1) Receive an informational report on the city's efforts to address the COVID-19 public health orders and additional ideas for council's discussion; and
2) Adoption of a resolution approving modifications to the COVID-19 Small Business Loan Program; and
3) Discuss and provide direction to staff on any additional actions to be vetted, receive legal review, or pursued as appropriate to address compliance with the public health orders and collaboration with other cities in the region and the county. (Staff contact: David Graham, Community Development)

City Manager's Recommendation: Receive the report, adopt the resolution and provide direction as appropriate.

ACTION: Council received the report;

Adopted Resolution No. 2021-021 – 5/0;

and provided direction to staff regarding the areas below as follows:

Collaboration Efforts:

Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, directing staff to:

- Use the city's intergovernmental affairs team to engage the governor, legislature, legislative representatives, county representatives, or local agencies to support city council priorities in addressing the pandemic
- Engage with local, state and national organizations of which the city is a member to support city council priorities in addressing a comprehensive approach to addressing compliance with the public health order – 4/0/1 (Hall – Absent);

Motion by Council Member Acosta, seconded by Council Member Bhat-Patel, directing staff to:

- Continue and enhance existing COVID-19 response activities related to:
 - Evaluating ways that other jurisdictions are comprehensively addressing compliance and considering adoption of one or more approaches if they are applicable, relevant, and effective

- Collaborating with the business community to better understand barriers and solicit ways to assist
- Collaborating with volunteer groups to assist in compliance efforts – 4/0/1 (Hall – Absent);

Compliance Efforts:

Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, directing staff to:

- Provide additional communication to retail and big box stores to ensure compliance- 4/0/1 (Hall – Absent);

Motion by Council Member Bhat-Patel, seconded by Council Member Acosta, directing staff to:

- Elevate administrative enforcement for businesses using temporary activation permits
- Coordinate efforts for outreach with landlords of persistent violators to bring them into compliance – 3/1/1 (Blackburn – No; Hall – Absent);

Economic Relief and Incentive Efforts:

Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, directing staff to:

- Leverage #STAYSAFESTAYOPEN program using a web portal to recognize businesses complying with the health order, including:
 - Digital marketing
 - Ramped-up education campaign helping residents know how they can support local businesses
 - Fair promotion of businesses
- Collaborate with CVA, Chamber, and Visit Carlsbad to create a recognition program
- Use the \$25,000 in business outreach funding authorized by the city council for business community outreach
- Engage with business organizations direct aid programs and return to city council with options for their considerations, including:
 - Microgrants
 - Rental assistance programs – 5/0.

6. **OBJECTIVE DESIGN STANDARDS AND STREAMLINED PERMITTING PROCESS FOR MULTIFAMILY HOUSING PROJECTS** – 1) Adoption of a resolution authorizing the city to apply for \$500,000 in Local Early Action Planning Grant Program Funds from the State of California, to accept any award of funds, and authorizing the city manager to appropriate any funds received; and
 2) Adoption of a resolution approving an agreement for professional consulting services with RRM Design Group to assist in the preparation of objective design standards and procedures to streamline the permitting process for multifamily housing and mixed-use development projects and directing staff to submit to the California Housing and Community Development Department a request to revise the Senate Bill 2 scope of work and project schedule (Case Name: Objective Design Standards and Streamlined Permitting Process for Multifamily Housing; Case No.: ZCA 2020-0003/LCPA 2020-0007/AMEND 2020-0003 (PUB 2020-0004)) (Staff contact: Shelley Glennon, Community Development)

City Manager’s Recommendation: Adopt the resolutions.

ACTION: Adopted Resolution No. 2021-022; and

Resolution No. 2021-023 – 4/0/1 (Hall – Absent).

7. SEMIANNUAL TRANSPORTATION REPORT – Receive a semiannual transportation report. (Staff contact: Tom Frank, Public Works)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report;

Minute Motion by Mayor Hall, seconded by Council Member Schumacher, to highlight the semiannual transportation report (see minutes for details) – 5/0.

8. WORK PLANS FOR THE PARKS & RECREATION DEPARTMENT’S THREE COMMISSIONS – 1) Adoption of a resolution approving the Parks & Recreation Commission Work Plan for FY 2020-21; and 2) Adoption of a resolution approving the Senior Commission Work Plan for FY 2020-21; and 3) Adoption of a resolution approving the Beach Preservation Commission Work Plan for FY 2020-21. (Staff contact: Kyle Lancaster, Parks & Recreation)

City Manager’s Recommendation: Adopt the resolutions.

ACTION: Adopted Resolution No. 2021-024;

Resolution No. 2021-025; and

Resolution No. 2021-026 – 5/0.

9. APPOINTMENT OF TWO MEMBERS TO THE CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND THREE MEMBERS TO THE CARLSBAD TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD – 1) Adoption of a resolution appointing two members to the Carlsbad Golf Lodging Business Improvement District Advisory Board; and 2) Adoption of a resolution appointing two members to the Carlsbad Tourism Business Improvement District Advisory Board; and 3) Adoption of a resolution appointing one member to the Carlsbad Tourism Business Improvement District Advisory Board. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager’s Recommendation: Adopt the resolutions.

ACTION: Adopted Resolution No. 2021-027 reappointing Robert Rauch and Tate Stull to serve as members on the Carlsbad Golf Lodging Business Improvement District Advisory Board – 5/0;

Adopted Resolution No. 2021-028 reappointing Robert Rauch and Randall Chapin to serve as members on the Carlsbad Tourism Business Improvement District Advisory Board – 5/0;

Adopted Resolution No. 2021-029 appointing Hector Becerra to serve as a member on the Carlsbad Tourism Business Improvement District Advisory Board – 5/0.

10. MAYORAL APPOINTMENT OF ONE MEMBER TO THE TRAFFIC & MOBILITY COMMISSION – Adoption of a resolution appointing one member to the Traffic & Mobility Commission. (Staff contact: Tammy McMinn, City Clerk Department)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2021-030 reappointing Peter Penseyres to serve as a member on the Traffic & Mobility Commission – 5/0.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

City Council Regional Assignments (Revised 1/12/21)

Matt Hall
Mayor

North County Mayors and Managers
Chamber of Commerce Liaison (primary)
San Diego County Water Authority
SANDAG Board of Directors (primary)
City Council Legislative Subcommittee
Economic Revitalization Subcommittee
North County Homeless Action Committee

Keith Blackburn
Mayor Pro Tem – District 2

Buena Vista Lagoon JPC
Encina Joint Powers JAC
Encina Wastewater Authority Board of Directors
North County Dispatch Joint Powers Authority
SANDAG Board of Directors (2nd alternate)
SANDAG Shoreline Preservation Working Group (alternate)
Carlsbad Municipal Code and City Council Policy Update Subcommittee

Priya Bhat-Patel
Council Member – District 3

SANDAG Board of Directors (1st alternate)
SANDAG Shoreline Preservation Working Group (primary)
North County Transit District (primary)
City/School Committee
Clean Energy Alliance JPA (primary)
League of California Cities – SD Division (alternate)
Economic Revitalization Subcommittee

Cori Schumacher
Council Member – District 1

Buena Vista Lagoon JPC
Encina Joint Powers JAC
Encina Wastewater Authority Board of Directors
League of California Cities – SD Division
North County Dispatch Joint Powers Authority (alternate)
Carlsbad Municipal Code and City Council Policy Update Subcommittee
North County Homeless Action Committee

Teresa Acosta
Council Member – District 4

City/School Committee
Chamber of Commerce Liaison (alternate)
Encina Wastewater Authority Board of Directors (alternate)
City Council Legislative Subcommittee
Clean Energy Alliance JPA (alternate)
North County Transit District (alternate)

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: 8:33 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.