



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

March 23, 2021, 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/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: The City Council is serving as the Carlsbad Community Development Commission on Public Hearing Item No. 7.

INVOCATION: None.

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

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held Feb. 9, 2021

Minutes of the Special Meeting held March 9, 2021

Minutes of the Special Meeting held March 16, 2021

Minutes approved as presented – 5/0.

PRESENTATIONS:

Proclamation in Recognition of National Women’s History Month

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. **2020 HOUSING ELEMENT ANNUAL PROGRESS REPORT** – Adoption of a resolution accepting the 2020 Housing Element Annual Progress Report. (Staff contact: Corey Funk, Community Development)

ACTION: Adopted Resolution No. 2021-064 – 5/0.

2. **AWARD OF CONTRACT TO ABHE & SVOBADA, INC. AND ADDITIONAL APPROPRIATIONS FOR LAKE CALAVERA OUTLET IMPROVEMENTS PROJECT** – Adoption of a resolution accepting bids and awarding a construction contract to Abhe & Svoboda, Inc. for construction of the Lake Calavera Outlet Improvements, CIP Project No. 5054 in an amount not to exceed \$791,956, and approving additional appropriation in an amount of \$176,000 from the General Capital Construction Fund. (Staff contact: Vicki Quiram and David Padilla, Public Works)

ACTION: Adopted Resolution No. 2021-065 – 5/0.

3. ADVERTISE FOR BIDS FOR TEMPORARY TRAILERS FOR THE POLICE AND FIRE HEADQUARTERS RENOVATION PROJECT, CIP NO. 4715 – Adoption of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids for temporary trailers for the Police and Fire Headquarters Renovation Project, CIP Project No. 4715. (Staff contact: Steven Stewart, Public Works and Mickey Williams, Police Department)

ACTION: Adopted Resolution No. 2021-066 – 5/0.

4. AWARD OF CONTRACT TO LC PAVING & SEALING FOR SURFACE DRAINAGE IMPROVEMENTS PROJECT – Adoption of a resolution accepting bids and awarding a contract to LC Paving & Sealing, Inc., for construction of the Citywide Drainage Improvement Program – Surface Drainage Improvements Project, CIP Project No. 6608, in an amount not to exceed \$323,835. (Staff contact: Jason Evans, Public Works)

ACTION: Adopted Resolution No. 2021-067 – 5/0.

5. REVISIONS TO PART-TIME CUSTODIAN AIDE PAY RANGE AND SALARY ADJUSTMENTS FOR EMPLOYEES THAT FALL BELOW NEW MINIMUM PAY RATE – Adoption of a resolution approving revisions to the City of Carlsbad Part-Time Salary Schedule and pay increases for part-time custodian aide employees whose pay rate falls below the new minimum pay rate for part-time custodian aide. (Staff contact: Drew Cook and Judy von Kalinowski, Administrative Services)

ACTION: Adopted Resolution No. 2021-068 – 5/0.

6. 2021 HAZARD REDUCTION PROGRAM – Adoption of a resolution declaring weeds and rubbish upon private property in the City of Carlsbad as public nuisances under the terms of the City of Carlsbad’s Hazard Reduction Program and scheduling a public hearing on the topic for April 20, 2021. (Staff contact: Randy Metz, Fire Department)

ACTION: Adopted Resolution No. 2021-069 – 5/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS:

7. FISCAL YEAR 2021 ANNUAL PUBLIC HOUSING AGENCY PLAN – Adoption of a Community Development Commission resolution approving the Annual Public Housing Agency Plan for fiscal year 2021 for submission to the U.S. Department of Housing and Urban Development. (Staff contact: Bobbi Nunn, Community Development)

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

ACTION: Adopted Community Development Commission Resolution No. 549 – 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

8. RESULTS ON COMMUNITY INPUT MEETINGS REGARDING CIVILIAN OVERSIGHT OF THE POLICE DEPARTMENT – Receive a presentation regarding the results of the police community input

meetings held in each City Council district and provide direction to staff as necessary. (Staff contact: Kristina Ray and Sheila Cobian, City Manager Department)

City Manager's Recommendation: Receive the presentation and provide direction to staff as necessary.

ACTION: Council received the presentation; and

Minute Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, to direct staff through work with a consultant to return to Council with a plan/template to form a committee or commission with citizen representation from each district selected by the respective council member and a member of the Carlsbad Police Officers Association that would meet quarterly or monthly (as needed) and identify issues to bring to the Police Chief and Assistant Police Chief for consideration with final decision to be made by the Police Chief – 4/1 (Hall – No).

9. LEGAL RISKS ASSOCIATED WITH REMOVAL OF ILLEGAL ENCAMPMENTS DURING COVID-19

Receive this informational report, provide any desired direction to staff on this issue. (Staff contact: Allegra Frost, City Attorney Department and Matt Magro, Police Department)

City Manager's Recommendation: Receive the report and provide direction to staff.

ACTION: Council received the report.

10. CONSIDER POSSIBLE PROGRAMS TO ADDRESS HOMELESSNESS IN THE CITY OF CARLSBAD

1) Receive the staff report, consider program options that are described and provide staff direction, as appropriate; and

2) If the City Council implements option 7, adopt a resolution authorizing the formation of a standing City Council Homeless Action Subcommittee. (Staff contact: Holly Nelson, Police Department and Jeff Murphy, Community Development)

City Manager's Recommendation: Receive the report, consider the program options and if implementing option 7, adoption of the resolution.

ACTION: Council received the report; and

Motion by Council Member Schumacher, seconded by Mayor Pro Tem Blackburn to approve:

Option 1 – Hire an employment and benefit specialist,

Option 3 – Enhancing Clinical Services at La Posada Emergency Shelter,

Option 4 – Initiate a hotel/motel voucher program for one-year pilot program with an amendment to include that the city would contract with the Humane Society to provide temporary shelter for pets if necessary,

Option 4a – Hire a program manager to provide case management for the hotel/motel voucher program, and

Option 6 – Authorize up to \$450,000 for increased Community Resource Center services – 4/1 (Hall – No); and

Motion by Council Member Schumacher, seconded by Council Member Priya Bhat-Patel, to approve Option 2, Alternative 2 to hire one police sergeant, two police officers and contract with two additional social workers to be primarily deployed on bike and foot patrol as homeless outreach officers providing additional four-day-a-week coverage – 3/1 (Hall, Blackburn – No); and

Adopted Resolution No. 2021-070 as amended (see minutes for details) – 5/0.

11. CITY FRANCHISE AGREEMENT FOR SOLID WASTE RECYCLING AND ORGANICS SERVICES

- 1) Adoption of a resolution approving a city franchise agreement for recycling, organics and solid waste collection and organic materials processing service with EDCO Disposal Corporation and authorizing the City Manager, or designee, to execute all functions of the “City Contract Manager” as described in the franchise agreement; or
- 2) Adoption of a resolution approving a city franchise agreement for recycling, organics and solid waste collection and organic materials processing service with Republic Services, Inc., dba “allied Waste Services of North America” and authorizing the City Manager, or designee, to execute all functions of the “City Contract Manager” as described in the franchise agreement. (Staff contact: James Wood, Public Works)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Council continued the item to the meeting of April 6, 2021 – 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 (2 nd 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 (1 st 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: 8:11 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.