



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

April 6, 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](https://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](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, 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 Jan. 26, 2021  
Minutes of the Special Meeting held Feb. 11, 2021  
Minutes of the Special Meeting held March 23, 2021  
Minutes of the Special Meeting held March 24, 2021  
**Minutes approved – 5/0.**

**PRESENTATIONS:**

Proclamation in Recognition of National Library Week/Carlsbad Reads Together  
Proclamation in Recognition of National Fair Housing Month

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

**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 FEB. 28, 2021** – Accept and file Report on City Investments as of Feb. 28, 2021. (Staff contact: Craig Lindholm and Laura Rocha, Administrative Services)  
**ACTION: Council received the report.**
2. **PURCHASE AND SALE AGREEMENT FOR CITY-OWNED PROPERTY LOCATED ON PAJAMA DRIVE** – Adoption of a resolution approving and authorizing the execution of a purchase and sale agreement for the property located on Pajama Drive, in Oceanside, California, APN 149-070-47-00, commonly known as the Pajama Drive property, with Steve and Cydne Norris. (Staff contact: Curtis Jackson, Real Estate)  
**ACTION: This item was returned to staff.**
3. **AGREEMENT WITH HERITAGE ARCHITECTURE & PLANNING, INC. TO PROVIDE DESIGN SERVICES FOR THE LEO CARRILLO RANCH ROOF REPAIR PROJECT, CIP NO. 4748** – Adoption of a resolution

authorizing execution of an agreement with Heritage Architecture & Planning, Inc. to provide design services for the Leo Carrillo Ranch Roof Repair Project, CIP Project No. 4748, in an amount not to exceed \$103,300. (Staff contact: Steven Stewart, Public Works and Mick Calarco Parks & Recreation)

**ACTION: Adopted Resolution No. 2021-071 – 5/0.**

4. AMENDMENT NO. 4 TO AGREEMENT WITH KLEINFELDER, INC. FOR THE EL CAMINO REAL BRIDGE IMPROVEMENTS AT CANNON ROAD, CIP NO. 6042 – Adoption of a resolution approving Amendment No. 4 to the Professional Services Agreement with Kleinfelder, Inc. for engineering services for the El Camino Real Bridge Improvements at Cannon Road, CIP Project No. 6042, in an amount not to exceed \$62,512. (Staff contact: Brandon Miles, Public Works)

**ACTION: Adopted Resolution No. 2021-072 – 5/0.**

#### **ORDINANCES FOR INTRODUCTION:**

5. AMENDMENT TO CARLSBAD MUNICIPAL CODE CHAPTER 1.12 REGARDING ELECTIONS, CHAPTER 1.13 REGARDING ELECTION CAMPAIGN DISCLOSURES AND CHAPTER 1.15 REGARDING CAMPAIGN CONTRIBUTIONS – 1) Introduction of an ordinance amending Carlsbad Municipal Code Title 1, Chapter 1.12 – Elections; and  
2) Introduction of an ordinance amending Carlsbad Municipal Code Title 1, Chapter 1.13 – Election Campaign Disclosures; and  
3) Introduction of an ordinance adding Chapter 1.15 – Campaign Contribution Limits to Title 1 of the Carlsbad Municipal Code. (Staff contact: Cindie K. McMahon, City Attorney Department and Sheila Cobian, City Manager Department)

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

**ACTION: Introduced Ordinance No. CS-394 – 4/1 (Hall – No);**

**Introduced Ordinance No. CS-395 – 5/0;**

**Introduced Ordinance No. CS-396 as amended (see minutes for details) – 4/1 (Hall – No)**

**ORDINANCES FOR ADOPTION:** None.

#### **PUBLIC HEARINGS:**

6. GENERAL PLAN HOUSING ELEMENT UPDATE – 2021-2029 HOUSING CYCLE – 1) Review and consider the Housing Commission’s and Planning Commission’s recommendations to approve the Housing Element amendments; and  
2) Adoption of a resolution approving an addendum to Environmental Impact Report EIR 13-02 and an amendment to the General Plan GPA 2019-003 to adopt an update of the Housing Element for the 2021-2029 Housing Cycle as required by the California Government Code (Case Name: Housing Element Update 2021-2029; Case No: GPA 2019-0003 (PUB2019-0009)); and  
3) Adoption of a resolution implementing updated Housing Element Program 2.2, by finding the city’s residential housing caps contained in the General Plan, Growth Management Plan (Proposition E), City Council Policy Statement No. 43, and the city’s Municipal Code (Title 21 Chapter 90) are preempted by state law and unenforceable. (Staff contact: Scott Donnell and Jeff Murphy, Community Development)

**City Manager’s Recommendation:** Take public input, close the public hearing, review and consider the recommendations, and adopt the resolutions.

**ACTION: Motion by Council Member Bhat-Patel, seconded by Council Member Schumacher directing staff to make Site 13 – Zone 20 cluster a low priority for housing, using it only if necessary to meet Regional Housing Needs Assessment requirements, and look for an acceptable and suitable alternative site within the same quadrant – 3/1/1 (Hall – No; Blackburn – Absent);**

**Motion by Council Member Acosta, seconded by Council Member Schumacher, to remove the Ponto property from the Housing Element Update and look for an acceptable and suitable replacement site within the same quadrant – 4/1 (Hall – No);**

**Motion by Council Member Bhat-Patel, seconded by Mayor Pro Tem Blackburn, to add an objective to Program 1.12: Smoke-free ordinance for multi-family housing as reflected in Exhibit 11 – 5/0;**

**Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, to add an objective to Program 1.8: Live / Work Zoning as reflected in Exhibit 11 – 5/0;**

**Adopted Resolution No. 2021-073 as amended by Council Memorandum dated April 6, 2021 entitled “Additional Materials Related to Staff Report Item No. 6 – General Plan Housing Element Update – 2021 to 2029 Housing Cycle (see minutes for details) – 5/0;**

**Adopted Resolution No. 2021-074 – 3/2 (Hall, Schumacher – No).**

#### **DEPARTMENTAL AND CITY MANAGER REPORTS:**

7. **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.**

*This item was continued from the March 23, 2021 Regular City Council Meeting.*

8. **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 Allied Waste Services, Inc. DBA Republic Services of San Diego 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: Motion by Council Member Bhat-Patel, seconded by Council Member Acosta, to adopt Resolution No. 2021-075 Option 2 selecting Republic Services as amended (see minutes for details) – 3/2 (Hall, Blackburn – No).**

9. APPROVE PROPOSED AMENDED AGENDA STATEMENT REGARDING PUBLIC COMMENT – Approve proposed amended agenda statement regarding public comment, which will be added to future agendas and read by the mayor prior to the public comment portion of future City Council meetings. (Staff contact: Celia Brewer, City Attorney Department)

**City Manager’s Recommendation:** Approve proposed amended agenda statement.

**ACTION:** Motion by Council Member Acosta, seconded by Mayor Pro Tem Blackburn, to ~~strikeout the second sentence language “The City Council may briefly respond to the item or refer it to staff” from the agenda statement~~ – 5/0.

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

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

<b>Matt Hall</b> <b>Mayor</b>	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
<b>Keith Blackburn</b> <b>Mayor Pro Tem – District 2</b>	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 <sup>nd</sup> alternate) SANDAG Shoreline Preservation Working Group (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee
<b>Priya Bhat-Patel</b> <b>Council Member – District 3</b>	SANDAG Board of Directors (1 <sup>st</sup> 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
<b>Cori Schumacher</b> <b>Council Member – District 1</b>	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
<b>Teresa Acosta</b> <b>Council Member – District 4</b>	City/School Committee Chamber of Commerce Liaison (alternate) Encina Wastewater Authority Board of Directors (alternate) City Council Legislative Subcommittee

**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.

**Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, directing staff to return with a work plan to schedule a Robotics Day event – 5/0.**

**CITY MANAGER COMMENTS:**

**CITY ATTORNEY COMMENTS:**

**ADJOURNMENT:** 9:20 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.