



CITY COUNCIL

# Agenda

September 12, 2017, 6 p.m.

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

## We Welcome Your Participation

### Addressing the Council

If you would like to provide comments to the City Council, please:

1. Fill out a "speaker card" located in the foyer.
2. Submit to the City Clerk or City Clerk Services Manager.
3. Speakers will be provided a maximum of three minutes, which may be shortened at the discretion of the Mayor, depending on the number of people wishing to speak.
4. Groups: Group representatives will be permitted **only** for items listed on the agenda. Group speakers will speak first. Groups of six or more speakers may appoint one person to speak on their behalf. All members of the group must be present and fill out a speaker card. The group's representative will be given 10 minutes to speak. Depending on the number of people wishing to speak, time may be reduced at the discretion of the Mayor.

### Written Materials

Written agenda related items provided to the city's legislative leaders after distribution of the agenda packet will be available for inspection during normal business hours at the City Clerk's Office, 1200 Carlsbad Village Drive, Carlsbad, CA 92008. All agenda related items will also be available at the meeting. Please see the City Clerk to review.

### Decorum

Carlsbad Municipal Code sections 1.20.320 and 1.20.330 require members of the public to observe order and decorum at this meeting and to conduct themselves in a courteous manner. California Penal Code section 403 makes it a misdemeanor for any person to willfully disturb or break up any assembly or meeting with lawful authority. The ordinances were adopted to allow for public input and to facilitate city business without disruption of the meeting. The Mayor, as presiding officer, has the authority to run the meeting. This includes the authority to issue warnings, call for recesses or even clear the Council Chamber in the event of disruptive behavior, such as applause or heckling. Applause is appropriate for items listed under the Presentation portion of the agenda only.

### Future Agendas

Members of the public may have an item listed on a future agenda by submitting a letter to the City Manager. Unless the Mayor, with the consent of the Council, otherwise directs, such presentations shall be limited to 10 minutes. No action may be taken on public presentation items.

### Visual Materials

Please coordinate with the City Manager's Office regarding submission of visual materials for Council meetings. All visual materials must be submitted to the City Manager's office by noon the Monday prior to the Council meeting. Visual materials will only be permitted for items listed on the agenda, not as part of the Public Comment portion of the agenda. Please label all materials with the related agenda item number and observe stated time limits. Visual materials are considered part of the maximum time limit provided to speakers. All materials exhibited to the Council during the meeting (slides, maps, etc.) are part of the public record. Your materials will be returned upon written request. **Video cannot be accommodated.**

*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 preceding the meeting to make arrangements.*

**CALL TO ORDER:** 6:00 p.m.

**ROLL CALL:** M. Hall, K. Blackburn, M. Schumacher, C. Schumacher, M. Packard.

**INVOCATION:** None.

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

**APPROVAL OF MINUTES:**

**ACTION: Approved 5/0.**

Minutes of the Regular Meeting held July 11, 2017.

Minutes of the Special Meeting held August 21, 2017

**PRESENTATION:**

Presentation of proclamation in recognition of National Preparedness Month

Presentation of proclamation in recognition of Constitution Week

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

**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. A request from the public to discuss an item must be filed with the City Clerk in writing prior to Council consideration of the Consent Calendar.*

**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** – Acceptance of report on City Investments as of July 31, 2017. (Staff contact: Nancy Sullivan, Administrative Services)

**ACTION: Accepted report. – 5/0**

2. **AFFORDABLE HOUSING AND DENSITY BONUS AGREEMENT WITH CARLSBAD VILLAGE PARTNERS** – Adoption of a resolution approving an Affordable Housing and Density Bonus Agreement between the City of Carlsbad and Carlsbad Village Partners for the Carlsbad Village Lofts Development, and authorizing execution of the agreement by the Housing & Neighborhood Services Director. (Staff contact: Debbie Fountain, Community & Economic Development)

**ACTION: Adopted Resolution No. 2017-175. – 5/0**

3. **ACCEPTANCE OF DONATION FROM CARLSBAD FIRE DEPARTMENT FOUNDATION** – Adoption of a resolution accepting the donation of two infrared Chemical Detox Units from the Carlsbad Fire Department Foundation in the amount of \$13,000. (Staff contact: Mary Murphy, Fire)

**ACTION: Adopted Resolution No. 2017-176. – 5/0**

4. APPLICATION FOR LIBRARIES ILLUMINATED GRANT PROJECT – Adoption of a resolution authorizing the Carlsbad City Library to apply for \$13,369 in grant funds through the Libraries Illuminated Grant Project offered by the California State Library, accept any award, and authorize the Administrative Services Director to appropriate any funds received. (Staff contact: Heather Pizzuto, Library & Cultural Arts)  
**ACTION: Adopted Resolution No. 2017-177. – 5/0**
  
5. AMENDMENT NO. 3 TO THE AGREEMENT WITH ARCADIS U.S., INC. (PROJECT NOS. 3492, 3886, AND 3949) – Adoption of a resolution approving Amendment No. 3 to the Professional Services Agreement with Arcadis U.S., Inc. for construction management and inspection services for the Vista/Carlsbad Interceptor Sewer, Reaches VC11B-VC15, and the Agua Hedionda Sewer Lift Station Projects. (Staff contact: John Maashoff, Public Works)  
**ACTION: Adopted Resolution No. 2017-178. – 5/0**
  
6. ADVERTISE FOR BIDS FOR BRIDGE PREVENTIVE MAINTENANCE PROGRAM 2017 (PROJECT NO. 6066-17) – Adoption of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids for the Bridge Preventive Maintenance Program 2017. (Staff contact: Emad Elias, Public Works)  
**ACTION: Adopted Resolution No. 2017-179. – 5/0**
  
7. ADVERTISE FOR BIDS FOR ROADWAY IMPROVEMENTS, COASTAL AREA, ANALYSIS AND IMPLEMENTATION (PROJECT NO. 6079) – Adoption of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids for the Roadway Improvements, Coastal Area, Analysis and Implementation. (Staff contact: John Kim, Public Works)  
**ACTION: Adopted Resolution No. 2017-180. – 5/0**
  
8. APPROVAL OF AN AGREEMENT WITH GHD, INC. – Adoption of a resolution approving a Professional Services Agreement for the preparation of technical studies, permit applications, construction plans, specifications, and cost estimates with GHD, Inc. for an amount not to exceed \$563,060 for the Kelly Drive and Park Drive Road Diet and Multiuse Trail Improvements, Project No. 6075. (Staff contact: Brandon Miles, Public Works)  
**ACTION: Adopted Resolution No. 2017-181. – 5/0**

**ORDINANCES FOR INTRODUCTION:**

9. CONSIDERATION OF TWO ALTERNATIVE ORDINANCES ADDING CHAPTER 8.90 (CANNABIS) TO TITLE 8 OF THE CARLSBAD MUNICIPAL CODE AND AMENDING SECTION 1.080.010 TO MAKE VIOLATIONS OF CHAPTER 8.90 MISDEMEANORS – Introduce one of two alternative ordinances adding Chapter 8.90 (Cannabis) to Title 8 of the Carlsbad Municipal Code to prohibit commercial cannabis activity and regulate the cultivation of cannabis for personal use, and amending Section 1.08.010 of Chapter 1.08 (Penalty) to make violations of Chapter 8.90 misdemeanors. (Staff contact: Heather Stroud, City Attorney Department)

**City Manager’s Recommendation:** Introduce one of the two Ordinances by title only and schedule the second reading and adoption of the ordinance for a future meeting.

**ACTION: Introduced Ordinance No. CS-323 (Option 1/Exhibit 1). – 4/1 (C. Schumacher – No)**

**ORDINANCES FOR ADOPTION:** None.

**PUBLIC COMMENT:**

*In conformance with the Brown Act, no Council action can occur on items presented during Public Comment. A total of 15 minutes is provided so members of the public can address the Council on items that are not listed on the Agenda. Speakers are limited to three (3) minutes each. If you desire to speak during Public Comment, fill out a **SPEAKER CARD** and submit it to the City Clerk. If there are more than five (5) speakers, the remaining speakers will be heard at the end of the agenda just prior to Council Reports. When you are called to speak, please come forward to the podium and state your name.*

**PUBLIC HEARINGS:**

10. SECOND DWELLING UNIT CODE AMENDMENT (CASE NO. MCA 17-0003/ZCA 2016-0001/LCPA 2016-0001/PUB16Y-0002) – Introduction of an ordinance amending the City’s regulation of Second Dwelling Units (now known as Accessory Dwelling Units) consistent with changes to Government Code Section 65852.2 made by Assembly Bill 2299 (Bloom) and Senate Bill 1069 (Wieckowski). Case Name: Second Dwelling Unit Code Amendment. (Staff contact: Corey Funk, Community & Economic Development)

**City Manager’s Recommendation:** Take public input, close the public hearing and introduce the ordinance.

**ACTION: Introduced Ordinance No. CS-324 as amended (see minutes for details). – 5/0**

11. PROHIBITED USES CLARIFICATION AMENDMENT (CASE NO. ZCA 2017-0002/LCPA 2017-0003/AMEND 2017-0006/PUB17Y-0015) – Introduction of an ordinance adopting a Zoning Code Amendment and Local Coastal Program Amendment to clarify that uses prohibited elsewhere in the Municipal Code are also prohibited in Title 21 – Zoning; and, Adoption of a resolution approving an amendment to the Village Master Plan and Design Manual and the Local Coastal Program to clarify that uses prohibited elsewhere in the Municipal Code are also prohibited by the Village Master Plan and Design Manual. Case Name: Prohibited Uses Clarification Amendment. (Staff contact: Corey Funk, Community & Economic Development)

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

**ACTION: Introduced Ordinance No. CS-325 and adopted Resolution No. 2017-182. – 4/1 (M. Hall – Absent)**

12. BEACH VILLAGE LIFE 1 MIXED USE (CASE NO. CT 16-03/RP 16-09/CDP 16-16/DEV16019) – Adoption of a resolution approving a Tentative Tract Map, Major Review Permit, and Coastal Development Permit for construction of a hotel, spa, retail, and residential condominium project on the south side of Christiansen Way between Carlsbad Boulevard and Washington Street in Land Use District 1 of the Village Review Zone. Case Name: Beach Village Life 1 Mixed Use. (Staff contact: Chris Garcia, Community & Economic Development)

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

**ACTION: Adopted Resolution No. 2017-183. – 4/1 (C. Schumacher – No)**

**ADJOURNMENT TO THE JOINT SPECIAL MEETING OF THE  
CITY COUNCIL AND CARLSBAD MUNICIPAL WATER DISTRICT**



JOINT CITY COUNCIL AND  
CARLSBAD MUNICIPAL WATER DISTRICT  
**Agenda**

September 12, 2017, 6 p.m.

**CALL TO ORDER:** 8:44 p.m.

**ROLL CALL:** M. Hall, K. Blackburn, M. Schumacher, C. Schumacher, M. Packard.

**APPROVAL OF MINUTES:** None.

**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 Board votes on the motion unless members of the Council/Board, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the City Clerk/Secretary in writing prior to Council/Board consideration of the Consent Calendar.*

**WAIVER OF ORDINANCE TEXT READING:**

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

13. **MASTER SERVICE AGREEMENTS WITH INFRASTRUCTURE ENGINEERING CORPORATION FOR HORIZONTAL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES** – Adoption of a City Council resolution authorizing an amendment to the Master Service Agreement with Infrastructure Engineering Corporation for horizontal construction management and inspection services to reduce the annual compensation from \$800,000 to \$500,000, and extend by one year; and,  
Adoption of a Carlsbad Municipal Water District resolution authorizing the execution of a new Master Service Agreement with Infrastructure Engineering Corporation for horizontal construction management and inspection services in an amount not to exceed \$300,000 per year. (Staff contact: Fred Gaines, Jr., Public Works)

**ACTION: Adopted Resolution No. 2017-184 and Resolution No. 1584. – 5/0**

**PUBLIC HEARING:** None.

**DEPARTMENTAL AND EXECUTIVE MANAGER REPORT:** None.

**ADJOURNMENT TO THE CONTINUATION OF THE CITY COUNCIL MEETING**

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

14. REJECT BIDS RECEIVED FOR AVIARA COMMUNITY PARK PHASE II AND POINSETTIA COMMUNITY PARK PHASE III CONSTRUCTION PROJECTS (CIP NOS. 4604 AND 4605) – Adoption of a resolution rejecting all bids received for the Aviara Community Park Phase II and Poinsettia Community Park – Phase III Construction Projects and directing staff to revise the Poinsettia Community Park Phase III plans and specifications to remove the dog park, and explore its relocation to the segment of Poinsettia Park initially envisioned for a multigenerational recreation center. (Staff contact: Kyle Lancaster, Parks & Recreation)

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

**ACTION: Adopted Resolution No. 2017-185. – 5/0**

15. SENIOR COMMISSION APPOINTMENTS – Adoption of resolutions appointing two members to the Senior Commission. (Staff contact: Tammy McMinn, City Clerk Department)

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

**ACTION: Adopted Resolution No. 2017-186 reappointing Shari Sachs and adopted Resolution No. 2017-187 appointing Diana LaMar to the Senior Commission. – 5/0**

**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. When you are called to speak, please come forward to the podium and state your name. The remainder of the categories are for reporting purposes. In conformance with the Brown Act, no public testimony and no Council action can occur on these items.*

**COUNCIL REPORTS AND COMMENTS: (Revised 1/24/17)**

**PACKARD** Chamber of Commerce Liaison (alternate)  
City/School Committee  
North County Transit District Board of Directors  
NCTD Performance, Administration and Finance Committee  
North County Dispatch Joint Powers Authority (alternate)

**C. SCHUMACHER** Buena Vista Lagoon JPC  
League of California Cities - SD Division  
North County Transit District Board of Directors (alternate)  
SANDAG Board of Directors (2<sup>nd</sup> Alternate)  
SANDAG Regional Planning Committee (alternate)  
SANDAG Shoreline Preservation Working Group

**M. SCHUMACHER** Chamber of Commerce Liaison  
City/School Committee  
Encina Joint Powers (JAC)  
Encina Wastewater Authority Board of Directors  
Encina Wastewater Authority Policy & Finance Committee  
San Diego County Regional Airport Authority Board of Directors

**BLACKBURN**

Buena Vista Lagoon JPC  
Encina Joint Powers (JAC)  
Encina Wastewater Authority Board of Directors  
Encina Wastewater Authority Capital Improvement Committee  
North County Dispatch Joint Powers Authority  
SANDAG Board of Directors (1<sup>st</sup> Alternate)  
SANDAG Public Safety Committee

**HALL**

North County Mayors and Managers  
San Diego County Water Authority (SDCWA) Board of Directors  
SDCWA Legislation & Public Outreach Committee  
SDCWA Administrative & Finance Committee  
SANDAG Board of Directors

**CITY MANAGER COMMENTS:**

**CITY ATTORNEY COMMENTS:**

**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.

**ADJOURNMENT.** 8:47 p.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 September 12, 2017 will approve the following final maps:

**Carlsbad Tract 15-08, located generally on the southeast and southwest corner of Cannon Road and Grand Pacific Drive.**

And

**Carlsbad Tract CT 08-06 generally located at 3980 Highland Drive.**

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.