



CITY COUNCIL Agenda

September 26, 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 publication of the agenda packet will be distributed and posted to the City's website each business day up to 2 p.m. on Tuesday for 6 p.m. meetings and up to 4 p.m. on Monday for 9 a.m. Tuesday meetings. Materials will also 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 by noon on the Monday preceding the meeting to make arrangements.

CALL TO ORDER: 6 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 25, 2017.

Minutes of the Regular Meeting held August 22, 2017.

Minutes of the Joint Special Meeting held August 22, 2017.

Minutes of the Special Meeting held August 29, 2017.

Minutes of the Special Meeting held September 19, 2017.

Minutes of the Regular Meeting held September 19, 2017.

PRESENTATION:

Presentation of proclamation in recognition of Public Safety Month.

Presentation of Starfish Leadership Award.

Presentation of retirement proclamation to Leila Dooley.

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION: No reportable action.

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 August 31, 2017. (Staff contact: Nancy Sullivan, Administrative Services)

ACTION: Accepted report. – 5/0

2. **AMENDMENT TO COUNCIL POLICY NO. 64 – WIRELESS COMMUNICATIONS FACILITIES** – Adoption of a resolution approving Amendments to City Council Policy No. 64 regarding wireless communication facilities for consistency with current Federal Communications Commission (FCC) regulations and to modify the standards for placement of wireless communication facilities in the right-of-way. (Staff contact: Heather Stroud, City Attorney's Office)

ACTION: Adopted Resolution No. 2017-189. – 5/0

3. APPROVAL OF PARKING IN-LIEU FEE PROGRAM PARTICIPATION AGREEMENT – Adoption of a resolution approving a Parking In-Lieu Fee Program Participation Agreement with Grand Madison, LLC for the project known as the Grand Madison located at 725 Grand Avenue in Land Use District 1 of the Village Review Zone and within Local Facilities Management Zone 1. Case Name: The Grand Madison. Case No. CT 15-04(A)/RP 15-06(A) (DEV15028) (Staff contact: Shannon Harker, Community & Economic Development)
ACTION: Adopted Resolution No. 2017-190. – 4/1 (Packard – Absent)

4. APPROVAL OF AGREEMENT TO PREPARE ENERGY CONSERVATION ORDINANCES – Adoption of a resolution approving a professional services agreement with Center for Sustainable Energy for an amount not to exceed \$120,000 to prepare energy conservation ordinances in compliance with the Carlsbad Climate Action Plan. Case Name: Energy Conservation Ordinance. Case No.: MCA 17-0002 (PUB17Y-0013) (Staff contact: David de Cordova, Community & Economic Development)
ACTION: Adopted Resolution No. 2017-191. – 5/0

5. K1 SPEED INDOOR KART RACING AMEND 2017-0002 – Adoption of a resolution modifying the decision of the Planning Commission to approve an amendment to Conditional Use Permit CUP 04-02AX1 to allow K1 Speed Indoor Kart Racing to operate a restaurant at their facility located at 6212 Corte Del Abeto in Local Facilities Management Zone 5. Case Name: K1 Speed Indoor Kart Racing. Case No.: AMEND 2017-0002 (DEV04-003) (Staff contact: Teri Delcamp, Community & Economic Development)
ACTION: Adopted Resolution No. 2017-192. – 4/1 (Hall – No)

6. ACCEPTANCE OF DONATION FROM FRIENDS OF CARRILLO RANCH, INC. – Adoption of a resolution accepting and appropriating a \$17,000 donation from the Friends of Carrillo Ranch Inc. and appropriating an additional \$4,000 from the Carrillo Ranch Trust Fund for the Stone Pillar Reconstruction Project. (Staff contact: Mick Calarco, Parks & Recreation)
ACTION: Adopted Resolution No. 2017-193. – 5/0

7. AWARD OF CONTRACT FOR 2017-18 SLURRY SEAL PROJECT – Adoption of a resolution accepting bids and awarding a contract to Sierra Nevada Construction for an amount not to exceed \$1,900,007 for the construction of the 2017-18 Slurry Seal Project, Project No. 6001-17SS. (Staff contact: Emad Elias, Public Works)
ACTION: Adopted Resolution No. 2017-194. – 5/0

8. AWARD OF CONTRACT FOR LA COSTA AVENUE STORM DRAIN REPLACEMENT – Adoption of a resolution accepting bids and awarding a contract to Burtech Pipeline Inc. for an amount not to exceed \$193,280 for the construction of the La Costa Avenue Storm Drain Replacement (La Coruna Place), Project No. 6602. (Staff contact: Daniel Zimny, Public Works)
ACTION: Adopted Resolution No. 2017-195. – 5/0

9. APPROVAL OF AMENDMENT TO AGREEMENT FOR PLAN CHECK SERVICES – Adoption of a resolution approving Amendment No. 2 to an agreement with Dennis Grubb & Associates, LLC, for plan review services. (Staff contact: Randy Metz, Fire)
ACTION: Adopted Resolution No. 2017-196. – 5/0

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION:

10. ADOPTION OF ORDINANCE NO. CS-323 ADDING CHAPTER 8.90, CANNABIS TO THE CARLSBAD MUNICIPAL CODE – Adoption of Ordinance No. CS-323 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: Sheila Cobian, City Clerk Department)

City Manager’s Recommendation: Adopt the ordinance.

ACTION: Adopted Ordinance No. CS-323. – 4/1 (C. Schumacher – No)

11. ADOPTION OF ORDINANCE NO. CS-324 ACCESSORY DWELLING UNIT ZCA/LCPA – Adoption of Ordinance No. CS-324 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. Case No.: MCA 17-0003/ZCA 2016-0001/LCPA 2016-0001 (PUB16Y-0002). (Staff contact: Sheila Cobian, City Clerk Department)

City Manager’s Recommendation: Adopt the ordinance.

ACTION: Adopted Ordinance No. CS-324. – 5/0

12. ADOPTION OF ORDINANCE NO. CS-325 PROHIBITED USES CLARIFICATION – Adoption of Ordinance No. CS-325 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. Case Name: Prohibited Uses Clarification Amendment. Case No.: ZCA 2017-0002/LCPA 2017-0003 (PUB17Y-0015) (Staff contact: Sheila Cobian, City Clerk Department)

City Manager’s Recommendation: Adopt the ordinance.

ACTION: Adopted Ordinance No. CS-325. – 4/1 (Hall – Absent)

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:

13. SDG&E NORTH COAST OPS CENTER – CUP 11-07X1/DEV11047 – Adoption of a resolution approving the first time extension of a Conditional Use Permit to allow the continued operation of a 2,850 square foot temporary mobile building on a 16.37 acre SDG&E-owned site located at 5016 Carlsbad Boulevard in the Agua Hedionda segment of the Local Coastal Program and in Local Facilities Management Zone 3. Case Name: SDG&E North Coast OPS Center. Case No.: CUP 11-07X1 (DEV11047) (Staff contact: Cliff Jones, Community & Economic Development)

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

ACTION: Adopted Resolution No. 2017-197. – 5/0

DEPARTMENTAL AND CITY MANAGER REPORTS:

14. CARLSBAD TRIBAL, CULTURAL & PALEONTOLOGICAL RESOURCES GUIDELINES – Receive a presentation on the Carlsbad Tribal, Cultural and Paleontological Resources Guidelines. Project No.: SS 16-06. (Staff Contact: Teri Delcamp, Community & Economic Development)

City Manager’s Recommendation: Receive the presentation, hear public testimony and provide Council comments regarding the guidelines.

ACTION: Continued to a date uncertain.

15. FINAL PARKING MANAGEMENT PLAN – Adoption of a resolution accepting the final Village, Barrio and Beach area Parking Management Plan. Case No. SS 16-01. (Staff contact: Pam Drew, Community & Economic Development)

City Manager’s Recommendation: Adopt the resolution.

ACTION: Adopted Resolution No. 2017-198. – 3/1/1 (C. Schumacher – No / Hall – Absent)

16. CLIMATE ACTION PLAN REPORT – Receive the Climate Action Plan Annual Report for Reporting Year 1, fiscal year 2016-17. (Staff contact: Michael Grim, Public Works)

City Manager’s Recommendation: Receive the report.

ACTION: Council received the report. 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 (2nd 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 (1st 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. 8:06 p.m.