



# CITY COUNCIL Agenda

March 27, 2018, 6 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

The City of Carlsbad provides three ways to watch a City Council meeting:

### In Person



Most City Council meetings take place at City Hall, 1200 Carlsbad Village Drive

### On TV



Watch live and replays of meetings on Charter Spectrum channel 24 and AT&T U-verse channel 99

### Online



Watch the livestream and replay past meetings on the city website, [www.carlsbadca.gov](http://www.carlsbadca.gov)

## How to Participate

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

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.

## 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 make arrangements.

**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.**

*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:**

**ROLL CALL:**

**INVOCATION:** None.

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

Minutes of the Regular Meeting held March 13, 2018.

Minutes of the Special Meeting held March 20, 2018.

**PRESENTATION:**

**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 February 28, 2018. (Staff contact: Nancy Sullivan, Administrative Services)
2. **APPROVAL OF CARLSBAD CITY EMPLOYEES’ ASSOCIATION MOU** – Adoption of a resolution approving a Memorandum of Understanding between the City of Carlsbad and the Carlsbad City Employees’ Association (CCEA) and approving the associated CCEA Salary Schedule, IT Department Standby Policy and revised Administrative Order No. 64. (Staff contact: Julie Clark, Human Resources Department)
3. **DECLARATION OF PUBLIC NUISANCES** – Adoption of a resolution declaring as public nuisances, weeds, rubbish, and refuse upon private property in the City of Carlsbad in conjunction with the City of Carlsbad Weed Abatement Program and setting a public hearing date for April 24, 2018. (Staff contact: Randy Metz, Fire Department)
4. **CONTRACT FOR CONSTRUCTION OF SIMSBURY SEWER PIPELINE EXTENSION** – Adoption of a resolution accepting bids and awarding a contract to Creative Home DBA: CHI Construction for an amount not to exceed \$413,075 for the construction of the Simsbury Sewer Pipeline Extension, Project No. 5533 and authorizing an additional appropriation of \$50,000 from the Sewer Replacement Fund. (Staff contact: David Hull, Public Works Department)

5. LA COSTA AVENUE STORM DRAIN REPLACEMENT PROGRAM – Adoption of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids for the La Costa Avenue Storm Drain Replacement Program – Storm Drain Improvements East of Piraeus Street, Project No. 6602. (Staff contact: Daniel Zimny, Public Works Department)
6. 2018 CONCRETE REPLACEMENT, PROJECT NO. 6013-18 – Adoption of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids for the 2018 Concrete Replacement, Project No. 6013-18. (Staff contact: Emad Elias, Public Works Department)
7. TRANSFER OF FUNDS FROM BRIDGE & THOROUGHFARE DISTRICT NO. 3 TO CITY GENERAL FUND – Adoption of a resolution authorizing the transfer of funds in the amount of \$174,400 from the Bridge and Thoroughfare District No. 3 Fund to the City of Carlsbad General Fund to reimburse the General Fund for the value of mitigation habitat acquired for the construction of Cannon Road Reaches 1 and 2. (Staff contact: Daniel Zimny, Public Works Department)

**ORDINANCES FOR INTRODUCTION:** None.

**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:**

*This item was continued from the February 13, 2018 City Council Meeting.*

8. CARLSBAD VILLAGE CENTER – PROJECT NO. RP 16-13/CDP 16-35 (DEV16040) – Adoption of a resolution approving a Major Review Permit and Coastal Development Permit for (1) the removal of an existing retail use; and (2) the construction of a 25,253 square foot, four-story, mixed-use building consisting of a subterranean parking garage, ground floor retail, commercial office space and five (5) residential apartments located at 2995 State Street in Land Use District 1 of the Village Review Zone, the Village Segment of the Local Coastal Program and within Local Facilities Management Zone 1; and, Adoption of a resolution approving a Parking In-Lieu Fee Program Participation Agreement between the City of Carlsbad and Leor Lakritz, property owner, for the project known as Carlsbad Village Center located at 2995 State Street in Land Use District 1 of the Village Review Zone and within Local Facilities Management Zone 1.) (Staff contact: Shannon Harker, Community & Economic Development)

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

## DEPARTMENTAL AND CITY MANAGER REPORTS:

9. DURKIN CAC LOT 24 LLC APPEAL – Adoption of a resolution denying the appeal of Durkin CAC Lot 24 LLC and upholding the Planning Commission’s determination that an auto body and repair shop use proposed at 5817 Dryden Place and within Local Facilities Management Zone 5 is not a more conforming use than the existing Office/Industrial Use, and is a prohibited use in the Carlsbad Airport Centre Specific Plan (SP 181(H)). Case Name: Durkin CAC Lot 24 LLC Appeal. Case No.: PCD 2017-0001 (DEV2017-0120). (Staff contact: Greg Fisher, Community & Economic Development)

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

10. SENIOR COMMISSION APPOINTMENT – Adoption of a resolution appointing one member to the Senior Commission. (Staff contact: Tammy McMinn, City Clerk Department)

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

## 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:**

### **City Council Regional Assignments (Revised 1/10/18)**

<b>Matt Hall</b> <b>Mayor</b>	North County Mayors and Managers San Diego County Water Authority (SDCWA) Board of Directors SANDAG Board of Directors
<b>Keith Blackburn</b> <b>Mayor Pro Tem</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 (1st Alternate)
<b>Mark Packard</b> <b>Council Member</b>	Chamber of Commerce Liaison (primary) North County Transit District Board of Directors North County Dispatch Joint Powers Authority (alternate) SANDAG (2nd alternate)
<b>Michael Schumacher</b> <b>Council Member</b>	Chamber of Commerce Liaison (alternate) City/School Committee Encina Joint Powers (JAC) Encina Wastewater Authority Board of Directors San Diego County Regional Airport Authority Board of Directors

**Cori Schumacher**  
**Council Member**

Buena Vista Lagoon JPC  
League of California Cities - SD Division  
North County Transit District Board of Directors (alternate)  
City/School Committee

**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.**

## 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](mailto: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.