



# CITY COUNCIL Agenda

June 12, 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:**

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** Council is serving as the Carlsbad Municipal Water District Board of Directors, Public Financing Authority and Community Development Commission for Public Hearing Item No. 13.

**ROLL CALL:**

**PLEDGE OF ALLEGIANCE:**

**INVOCATION:** None.

**APPROVAL OF MINUTES:**

Minutes of the Special Meeting held April 10, 2018.

Minutes of the Regular Meeting held April 24, 2018.

Minutes of the Special Meeting held May 22, 2018.

Minutes of the Special Meeting held May 31, 2018.

**PRESENTATIONS:**

Proclamation in recognition of Historic Preservation Month and 3<sup>rd</sup> Grade Art Presentation

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

**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.*

**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 April 30, 2018. (Staff contact: Nancy Sullivan, Administrative Services)
2. **ANNUAL REPORT OF INVESTMENT PORTFOLIO AS OF JUNE 30, 2017** – Acceptance of Annual Report of Investment Portfolio as of Fiscal Year ended June 30, 2017. (Contact: Craig Lindholm, City Treasurer)
3. **SET PUBLIC HEARING FOR STREET LIGHTING AND LANDSCAPING DISTRICT NO. 1** – Adoption of a Resolution initiating the proceedings, approving the preliminary engineer’s report for Fiscal Year 2018-19 and setting a public hearing for July 10, 2018, for the Annual Levy of Assessments within Lighting and Landscaping District No. 1, a special assessment district. (Staff contact: Roxanne Muhlmeister, Administrative Services)

4. SET PUBLIC HEARING FOR STREET LIGHTING AND LANDSCAPING DISTRICT NO. 2 – Adoption of a Resolution initiating the proceedings, approving the preliminary engineer’s report for Fiscal Year 2018-19 and setting a public hearing for July 10, 2018, for the Annual Levy of Assessments within Lighting and Landscaping District No. 2, a special assessment district. (Staff contact: Roxanne Muhlmeister, Administrative Services)
5. RESOLUTION OF SUPPORT FOR THE FEDERAL GOVERNMENT’S OPPOSITION TO CALIFORNIA’S “SANCTUARY STATE” LAWS – Adoption of a Resolution expressing support for the Federal opposition to California’s “Sanctuary State” laws, including Assembly Bill 450, Assembly Bill 103 and Senate Bill 54 (The California Values Act); and authorizing the filing or joining of an amicus curiae brief on behalf of the City in support of the United States upon appeal of the lawsuit – *United States of America v. California*. (Staff Contact: Jason Haber, City Manager’s Office)
6. AUTHORIZE AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC, CASE NAME: SHOPPES AT CARLSBAD - Adoption of a Resolution granting an easement to San Diego Gas and Electric over a portion of Lot 9 of Map 8956, generally described as the parking lot for the Shoppes at Carlsbad Shopping Center, Case No. SDP09-04. (Staff contact: Kyrenne Chua, Community & Economic Development)
7. MUTUAL THREAT ZONE COOPERATIVE FIRE PROTECTION AGREEMENT - Adoption of a Resolution approving the Mutual Threat Zone Cooperative Fire Protection (MTZ) Agreement between the Carlsbad Fire Department and California Department of Forestry and Fire Protection – San Diego Unit (Cal Fire); and authorizing the Fire Chief, on behalf of the City, to execute the MTZ with Cal Fire. (Staff contact: Mike Davis, Fire Department)
8. MEMORANDUM OF UNDERSTANDING WITH SAN DIEGO ASSOCIATION OF GOVERNMENTS – Adoption of a Resolution authorizing the Mayor to execute a Memorandum of Understanding between the San Diego Association of Governments (SANDAG) and the City of Carlsbad, regarding the Regional Shoreline Monitoring Program. (Staff contact: Kyle Lancaster, Parks & Recreation)
9. AWARD OF CONTRACT TO K.C. EQUIPMENT, INC. FOR CONSTRUCTION OF 2018 CONCRETE REPLACEMENT - Adoption of a Resolution accepting bids and awarding a contract to K.C. Equipment, Inc. for an amount not to exceed \$498,828 for the construction of the 2018 Concrete Replacement, Project No. 6013-18. (Staff contact: Emad Elias, Public Works)
10. SAN DIEGO FOUNDATION MITIGATION ENDOWMENT FUND AGREEMENT – Adoption of a Resolution authorizing execution of the San Diego Foundation Mitigation Endowment Fund Agreement and transfer of existing funds from the General Fund into the Endowment Fund for long-term management of the Poinsettia Station Vernal Pool Preserve. (Staff contact: Rosanne Humphrey, Public Works)
11. MASTER PURCHASE AGREEMENT WITH TRAFFICWARE GROUP, INC. – Adoption of a Resolution authorizing execution of a Master Purchase Agreement with Trafficware Group, Inc. for an amount not to exceed \$2,500,000 for the procurement of traffic signal equipment for the Adaptive Traffic Signal Program, Project No. 6326, and appropriation of funds in the amount of \$1,150,000. (Staff contact: Doug Bilse, Public Works)

**ORDINANCES FOR INTRODUCTION:**

12. ORDINANCE ADDING CHAPTER 11.46 - TEMPORARY RESTRICTIONS ON PUBLIC PROPERTY TO THE CARLSBAD MUNICIPAL CODE – Introduction of an Ordinance adding Chapter 11.46 (Temporary Restrictions on Public Property) to Title 11 of the Carlsbad Municipal Code to authorize temporary restrictions during certain events where it is reasonably anticipated that conflict or non-peaceful behavior may occur. (Staff contact: Cindy Anderson, Police Department)

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

**ORDINANCES FOR ADOPTION:** None.

**PUBLIC HEARINGS:**

13. FISCAL YEAR 2018-19 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS – Adoption of a City Council Resolution approving the Final Operating Budget and Capital Improvement Program for Fiscal Year 2018-19 for the City of Carlsbad and establishing controls on changes in appropriations for the various funds; and  
Adoption of a Carlsbad Municipal Water District Resolution approving the Water District Final Operating Budget and Capital Improvement Program for Fiscal Year 2018-19; and  
Adoption of a Community Development Commission Resolution approving the Operating Budget of the Carlsbad Housing Authority for Fiscal Year 2018-19; and  
Adoption of a City Council Resolution, acting as Successor Agency for the Carlsbad Redevelopment Agency, approving the Operating Budget of the Successor Agency and Enforceable Obligations of the City of Carlsbad’s Redevelopment Obligation Retirement Fund for Fiscal Year 2018-19; and  
Adoption of a City Council Resolution establishing the 2018-19 appropriation limit as required by Article XIII B of the California State Constitution and State Law; and  
Adoption of a City Council Resolution approving changes to the Master Fee Schedule; and  
Adoption of a City Council Resolution determining that the FY 2018-19 Capital Improvement Program Budget is consistent with the General Plan and applicable Climate Action Plan measures and actions; and  
Adoption of a City Council Resolution approving the FY 2018-19 Operating and Capital Budgets of the Encina Wastewater Authority; and  
Adoption of a City Council Resolution approving adjustments to the FY 2017-18 Capital Improvement Program and Operating Budget; and  
Adoption of a Community Development Commission Resolution adjusting the Operating Budget of the Carlsbad Housing Authority for Fiscal Year 2017-18. (Staff contact: Helga Stover, Administrative Services)

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

14. CARLSBAD TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2018-19 TO 2022-23 – Adoption of a Resolution approving the Carlsbad Transnet Local Street Improvement Program of Projects for Fiscal Years 2018-19 to 2022-23 for inclusion in the 2018 San Diego Association of Governments Regional Transportation Improvement Program. (Staff contact: Jonathan Schauble, Public Works)

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

**DEPARTMENTAL AND CITY MANAGER REPORTS:**

15. **MICROGRID FEASIBILITY STUDY FOR CARLSBAD PUBLIC SAFETY AND SERVICE CENTER COMPLEX** – Receive the presentation of an Integrated Demand Side Management Microgrid Feasibility Study for the Carlsbad Public Safety and Service Center complex. (Staff contact: Michael Grim, Public Works)

**City Manager’s Recommendation:** Receive the presentation.

16. **CITY MANAGER EMPLOYMENT AGREEMENT** – Adoption of a Resolution approving the employment agreement of Scott Chadwick as City Manager. (Staff contact: Celia Brewer, City Attorney)

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

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

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

**Matt Hall** North County Mayors and Managers  
**Mayor** San Diego County Water Authority (SDCWA) Board of Directors  
SANDAG Board of Directors

**Keith Blackburn** Buena Vista Lagoon JPC  
**Mayor Pro Tem** Encina Joint Powers (JAC)  
Encina Wastewater Authority Board of Directors  
North County Dispatch Joint Powers Authority  
SANDAG Board of Directors (1st Alternate)

**Mark Packard** Chamber of Commerce Liaison (primary)  
**Council Member** North County Transit District Board of Directors  
North County Dispatch Joint Powers Authority (alternate)  
SANDAG (2nd alternate)

**Michael Schumacher** Chamber of Commerce Liaison (alternate)  
**Council Member** City/School Committee  
Encina Joint Powers (JAC)  
Encina Wastewater Authority Board of Directors  
San Diego County Regional Airport Authority Board of Directors

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

**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.*

## 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.

### **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.