



CITY COUNCIL Agenda

April 16, 2019 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

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 require 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 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: 6:00 p.m.

ROLL CALL: Hall, Blackburn, Bhat-Patel, Schumacher, Hamilton.

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bhat-Patel.

INVOCATION: None.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held March 19, 2019.

Minutes of the Regular Meeting held March 26, 2019.

Minutes of the Special Meeting held March 27, 2019.

ACTION: Adopted Minutes as presented – 5/0.

PRESENTATIONS:

Proclamation in recognition of Arts, Culture and Creativity Month.

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 a report on City Investments as of February 28, 2019. (Staff contact: Laura Rocha, Administrative Services)
ACTION: Council received the report.
2. **APPOINTMENT TO CARLSBAD TOURISM BUSINESS IMPROVEMENT DISTRICT (CTBID) ADVISORY BOARD**
Adoption of a Resolution appointing Randal Chapin to the Carlsbad Tourism Business Improvement District (CTBID) Advisory Board. (Staff contact: Tammy McMinn, City Clerk Services)
ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Hamilton, to review the resolutions regarding the powers and duties of the Business Improvement Districts. Motion carried unanimously, 5/0.
ACTION: Adopted Resolution No. 2019-050 – 5/0.
3. **RE-ADVERTISE FOR BIDS FOR THE 2018 PAVEMENT OVERLAY PROJECT** – Adoption of a Resolution approving terminating a contract with PAL General Engineering, Inc., approving the plans and

specifications and authorizing the City Clerk to re-advertise for bids, all relating to the 2018 Pavement Overlay, Capital Improvement Program (CIP) Project No. 6001-18OL. (Staff contact: Emad Elias, Public Works)

ACTION: Adopted Resolution No. 2019-051 – 5/0.

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

4. **COMMUNITY CHOICE ENERGY TECHNICAL FEASIBILITY STUDY** – Adoption of a Resolution accepting the North San Diego County Cities Community Choice Energy Technical Feasibility Study and authorizing the City Manager to negotiate, execute and fund a cost share agreement allowing for the City of Carlsbad’s participation in procuring joint legal services to assist the City in negotiating and preparing Community Choice Energy formation documents in an amount not to exceed \$20,000. (Staff contact: Jason Haber, City Manager Department)

City Manager’s Recommendation: Receive the results of the study and adopt the resolution.

ACTION: Adopted Resolution No. 2019-052 – 4/1 (Hall – No).

5. **PRIORITY STATE LEGISLATION REPORT AND CONSIDER CREATION OF A LEGISLATIVE COMMITTEE – 1.)** Receive bill analyses summarizing: AB 847 (Grayson), SB 4 (McGuire), SB 5 (Beall), SB 6 (Beall), SB 50 (Wiener), AB 11 (Chiu), SB 15 (Portantino), SB 532 (Portantino), AB 1640 (Boerner Horvath), AB 1031 (Nazarian), AB 392 (Weber) and SB 230 (Caballero) and consider taking positions on the proposed legislation; 2.) Consider the creation of a City Council legislative committee. (Staff contact: Jason Haber, City Manager Department)

City Manager’s Recommendation: Receive the analyses, consider taking positions on the proposed legislation and consider the creation of a City Council legislative committee.

ACTION: Minute Motion by Mayor Hall, seconded by Council Member Schumacher, to oppose SB 50. – 5/0.

ACTION: Minute Motion by Council Member Blackburn, seconded by Mayor Hall, to oppose AB 392. – 5/0.

ACTION: Minute Motion by Council Member Schumacher, seconded by Council Member Blackburn to support SB 230. – 5/0.

ACTION: Minute Motion by Council Member Schumacher, seconded by Mayor Pro Tem Bhat-Patel to watch the bill package of AB 4, 5 and 6 as they go through the process and receive reports back from Cal Strategies. – 5/0.

ACTION: Minute Motion by Council Member Hamilton, seconded by Mayor Pro Tem Bhat-Patel, to support AB 1031. – 4/1 (Hall – No).

ACTION: Minute Motion by Mayor Pro Tem Bhat-Patel, seconded by Council Member Schumacher, to add AB 11 to the watch list. – 5/0.

ACTION: Minute Motion by Council Member Schumacher, seconded by Mayor Pro Tem Bhat-Patel, to establish a standing City Council Legislative Subcommittee and bring back a Resolution amending Council Policy No. 39. – 5/0.

6. APPOINT ONE MEMBER TO THE ARTS COMMISSION – Adoption of a Resolution appointing one member to the Arts Commission. (Staff contact: Tammy McMinn, City Clerk’s Office)

City Manager’s Recommendation: Adopt the Resolution.

ACTION: Adopted Resolution No. 2019-053 appointing Michaela Chamberlain to the Arts Commission – 5/0.

This item was continued to a future meeting.

7. APPOINT ONE MEMBER TO THE HOUSING COMMISSION – Adoption of a Resolution appointing one member to the Housing Commission. (Staff contact: Tammy McMinn, City Clerk’s Office)

City Manager’s Recommendation: Adopt the Resolution.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

City Council Regional Assignments (Revised 1/8/19)

Matt Hall Mayor	North County Mayors and Managers City/School Committee Chamber of Commerce Liaison (primary) San Diego County Water Authority San Diego Regional Economic Development Corporation Board of Directors
Keith Blackburn Council Member	Buena Vista Lagoon JPC Encina Wastewater Authority/JAC Board of Directors North County Dispatch Joint Powers Authority Chamber of Commerce Liaison (alternate)
Priya Bhat-Patel Mayor Pro Tem	SANDAG (2 nd alternate) North County Transit District (primary) City/School Committee League of California Cities – SD Division SANDAG Shoreline Preservation Working Group (primary)
Cori Schumacher Council Member	SANDAG (primary) Buena Vista Lagoon JPC Encina Wastewater Authority/JAC Board of Directors (alternate)
Barbara Hamilton Council Member	SANDAG (1 st alternate) Encina Wastewater Authority/JAC Board of Directors North County Transit District (alternate) North County Dispatch Joint Powers Authority (alternate) SANDAG Shoreline Preservation Working Group (alternate)

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: 10:03 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 April 16th, 2019 will approve the following final map:

Carlsbad Tract CT 2018-0001, located generally at 362 Walnut Avenue.

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.

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. 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.