

**CITY OF IMPERIAL BEACH
CITY COUNCIL
REGULAR MEETING MINUTES**

**August 2, 2023, 6:00 p.m.
Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

Present: Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, Councilmember Fisher

Staff Chief Administrative Officer Cortez-Martinez, City Attorney Lyon, City Clerk Kelly, Finance Director Gitmed, City Planner/Management Associate Ayala, Associate Planner Pua

The City Council also sits as the Imperial Beach Planning Commission, Public Financing Authority, and Imperial Beach Redevelopment Agency Successor Agency.

1. CALL TO ORDER

Mayor Aguirre called the Regular Meeting to order at 6:00 p.m

2. ROLL CALL

City Clerk Kelly took roll.

3. PLEDGE OF ALLEGIANCE

Girl Scout Troop 6507 and Nicole Nessman with Girls Scout Troop 6166 led the Pledge of Allegiance.

4. REIMBURSEMENT DISCLOSURES/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Fisher

- 4th of July Fireworks
- Mayor's Breakfast
- Roller Rink at the Beach
- South County Economic Development Council (SCEDC) has a new Chairperson
- SANDAG CEO Hasan Ikhata tendered his resignation

Councilmember Seabury

- Went on a Fire truck ride along
- 29th Annual Law Enforcement Recognition and Awards Night
- SCEDC Meeting - Outgoing Presentation for Chair Patricia Alvarez
- Mayor's Breakfast
- Tour of EDCO's Recycling Facility in Escondido
- Chamber of Commerce Meeting
- Raising of the Coast Guard Flag
- National Night Out

Councilmember McKay

- Tour of EDCO's Recycling Facility in Escondido
- Sheriff's Crime Lab Presentation
- Mayor's Breakfast
- Raising of the Coast Guard Flag

Mayor Pro Tem Leyba-Gonzalez

- He and the Mayor visited the Eagle Scout Project at Oneonta Elementary School
- Suncoast Farmers Market
- MTS Board of Directors Meeting
- SANDAG Board of Directors Meeting

Mayor Aguirre

- Meeting with SDG&E CEO Caroline Winn and Mayors throughout SD County
- County Board of Supervisors Declaration of State of Emergency, along with Councilmember Fisher
- Senate Judiciary Committee Meeting in support of AB1472
- First Campaign Reform Ad Hoc Sub Committee Workshop, along with Councilmember McKay
- 4th of July Fireworks
- Participated on a panel convened by the San Diego Chamber of Commerce, spoke on sewage emergency
- CA Coastal Commission meeting where she gave an update on the sewage crisis
- Suncoast Farmers Market with Councilmember Fisher where they collected letters supporting the declaration of emergency
- Met with the Secretary of the Natural Resources Agency, the Secretary for CalEPA, and the Chair of the Coastal Commission to discuss the need to declare a state of emergency
- Sheriff's Department Contracting Cities Retreat, along with Councilmember McKay
- Mayor's Breakfast and Pop-Up Skate
- Installation of new Board of Directors of the IB Chamber of Commerce
- SD Community Power Board of Directors meeting
- National Night Out
- She gave a summary of the efforts made in asking for a state of emergency to address the sewage crisis. She said this Council will fight tooth and nail to make sure the Governor and President make the declaration.
- She explained why the state and federal declarations of emergency are needed for funding purposes.

- A Coffee with the Mayor and Lieutenant will be held soon to discuss public safety strategies and how to come together as a community.
- She is co-hosting a Fentanyl Awareness Forum with District Attorney Summer Stephan and Chair Nora Vargas on August 8 at 6:00 pm at the Mar Vista High School Gymnasium

5. COMMUNICATIONS FROM CITY STAFF

City Clerk Kelly announced the City is now offering foreign language and ASL interpreting services at City Council meetings

City Planner/Management Associate Ayala announced CalTrans and SANDAG are working to develop a new application that will provide real-time updates on the current wait times for the San Ysidro and Otay ports of entry. She announced SANDAG launched their outreach efforts on the 2025 Regional Plan. She encouraged everyone to provide feedback on transportation improvements needed to help people get around.

Parks and Recreation Director Bullock announced the Marine Corp Band will have a free concert in Veterans Park on August 5 at 6:30 p.m.

6. PUBLIC COMMENT

Written public comments were submitted by Sandra Brillhart and Shannon Ratliff.

Public Comments by:

Josie Hamada: Shared positive comments about the Mayor's breakfast and skating rink. She complained about graffiti on IB Blvd. and in alleys. She suggested that all non-profits and schools be invited to participate in National Night Out to increase community participation.

Mayor Aguirre encouraged everyone to report graffiti immediately because the longer it stays up the more it attracts other graffiti. Take a picture and send it to citymanger@imperialbeachca.gov.

Davis Francis Nagtlu: Expressed concern about dangerous situations at beach crosswalks, stating teenagers are waiting to cross the street right when cars come.

Mary Davis: Announced Narcan is available for free and it should be carried by all. She expressed concerns about SANDAG's road charge.

7. PRESENTATIONS

7.a CALIFORNIA AMERICAN WATER PRESENTATION. (0840-70)

Brian Baretto, External Affairs for California American Water gave a PowerPoint presentation. He responded to City Council's questions about the process/timing of rate increases and rate shock, the LIHWAP federally funded assistance program, the proposed monthly increase for the average residential customer, paying by credit cards, proactive efforts to replace the pipe up to Coronado,

explained that the rate increase is for proposed infrastructure investments and purchase water costs, staffing for the projects (in-house staff or contractors), explained how the CPUC works and sets rates. He stated he will get back to the City on any rebate programs for rain barrels, and he spoke about conservation efforts by commercial customers.

There were no public comments.

Councilmember Fisher and Mayor Aguirre shared positive comments on the Multifamily Assistance Pilot Program.

8. CONSENT CALENDAR

Mayor Pro Tem Leyba-Gonzalez recused himself from participating on Item No. 8.d due to a potential conflict of interest as he represents individual members who work for the contractor.

Motion by Councilmember Fisher
Seconded by Councilmember McKay

To approve Consent Calendar Item Nos. 8.a through 8.c and 8.e.

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

Motion by Councilmember Fisher
Seconded by Councilmember McKay

To approve Consent Calendar Item Nos. 8.d.

AYES (4): Mayor Aguirre, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Conflict (1): Mayor Pro Tem Leyba-Gonzalez

Motion Carried (4 to 0)

8.a RATIFICATION OF WARRANT REGISTER FOR THE PERIOD FROM JUNE 10, 2023, TO JUNE 30, 2023. (0300-25)

City Council ratified and filed the Warrant Register Report.

8.b RATIFICATION OF WARRANT REGISTER FOR THE PERIOD FROM JULY 1, 2023, TO JULY 21, 2023. (0300-25)

City Council ratified and filed the Warrant Register Report.

8.c RECEIVE TREASURER'S REPORT FOR JUNE 2023. (0300-90)

City Council received and filed the June 2023 Treasurer's Report.

8.d RESOLUTION NO. 2023-61 AUTHORIZING AMENDMENT NO. 1 TO INCREASE THE CONTRACT AMOUNT TO THE ANNUAL TREE MANAGEMENT AND MAINTENANCE SERVICES AGREEMENT WITH WEST COAST ARBORISTS. (0940-60)

Adopted Resolution No. 2023-61 authorizing the City Manager to execute Amendment No. 1 with West Coast Arborists, Inc. for a not to exceed annual amount of \$200,000 and ratify the last two previous year amounts that have gone over the original contract amount of \$75,000 due to operational needs.

8.e NOTIFICATION OF TRAVEL: MAYOR AGUIRRE ATTENDED THE STATE CAPITAL SENATE JUDICIARY COMMITTEE HEARING - AB 1472 ON JUNE 27, 2023. (0410-60)

9. ORDINANCES/INTRODUCTION & FIRST READING

9.a CONSIDERATION OF REPORT ON INTERIM ORDINANCE 2023-31; RESOLUTION CLARIFYING COMPATIBILITY FOR FIREARMS RETAIL USE; URGENCY/REGULAR ORDINANCES TO ADOPT REGULATIONS FOR THE RETAIL SALE OF FIREARMS/AMMUNITION; AND A CEQA EXEMPTION. (0260-38)

Chief Administrative Officer Cortez-Martinez gave a PowerPoint presentation.

Mayor Aguirre announced an amended Attachment 4 - Exhibit A was submitted as last minute agenda information.

Written Public Comment was submitted by Sandra Brillhart in support of the item.

Public Comments provided by:

Stephanie Gilreath: Disagreed with age restrictions but appreciated the thought and effort to develop the information.

Dave Reed: Spoke in opposition to the item.

Gail Ramer: Spoke in opposition to the item.

Mary Davis: Spoke in opposition to the item.

Pat Flowers: Did not approve of the location of the shop.

Darnisha Hunter: Spoke in support of the business.

Dante Pamintuan Spoke in support of the business and opposed the ordinance.

CAO Cortez-Martinez explained that this ordinance is for the type of retail use. The age restriction details do not apply to this business but may apply to future applicants. She further stated that the City Council could amend the ordinance at any time. At this time, the ordinance satisfies the current proposed business. The

exact location of the business cannot be disclosed at this time, however she displayed a map showing the buffer zones and the areas where the business can be located.

Councilmember Fisher was pleased that staff was able to prepare an ordinance so City Council can move forward this evening. This ordinance is not specific to one business, it is specific to this City. He further stated that the City wants businesses to not only survive but to thrive. The City Council and staff were committed to getting this done so a business could open and provide a service. He also said that if needed, City Council changes to the ordinance can be made in the future.

Councilmember Seabury found the amendment to the ordinance to be reasonable and fair. She stated that if a person is old enough to vote and join the military, then maybe that person should be old enough to go into a gun store without a parent.

Councilmember McKay commended staff for doing the unbelievable, which was a challenge to turn something around within 45 days. The City put their best forward to help the business be successful. He further stated that the misinterpretation was explained, and he was hopeful everyone understood that as long as the business is less than 50% for gun sales, then those regulations do not apply.

Mayor Pro Tem Leyba-Gonzalez spoke in support for business in Imperial Beach and looked forward to proceeding with the item.

Mayor Aguirre thanked everyone for providing comments. She commended City Council and staff for getting this done within 45 days. Other ordinances have taken 6 months to 2 years but we wanted to be respectful and accommodating to Ms. Gilreath. She thanked Ms. Gilreath for working with staff in creating an ordinance that fits this community the best.

Motion by Mayor Aguirre

Seconded by Councilmember Seabury

To confirm the report for interim Ordinance No. 2023-1231.

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

Motion by Mayor Aguirre

Seconded by Councilmember Fisher

To adopt Resolution No. 2023-60.

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

City Clerk Kelly read the title of Ordinance No. 2023-1232 "AN URGENCY ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE TO ADD CHAPTER 4.58 FIREARMS AND AMMUNITION RETAIL ESTABLISHMENTS."

Motion by Mayor Aguirre

Seconded by Councilmember Seabury

To adopt Urgency Ordinance No. 2023-1232 by title only and waive further reading, with the revised Exhibit A submitted as last minute agenda information.

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

City Clerk Kelly read the title of Ordinance No. 2023-1233 "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE TO ADD CHAPTER 4.58 FIREARMS AND AMMUNITION RETAIL ESTABLISHMENTS."

Motion by Mayor Aguirre

Seconded by Councilmember McKay

Introduce Ordinance No. 2023-1233 by title only, waive further reading with the revised Exhibit A submitted as last minute agenda information, and set the matter for its second reading and adoption at the next regularly scheduled City Council meeting.

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

9.b INTRODUCTION OF ORDINANCE 2023-1234 AMENDING CHAPTER 16.12 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO WATER EFFICIENT LANDSCAPE REGULATIONS. (0620-95)

Associate Planner Pua gave a PowerPoint presentation and responded to questions regarding if the ordinance applies to ADUs.

No public comments.

City Clerk Kelly read the title of Ordinance No. 2023-1234 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA,

AMENDING CHAPTER 16.12 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO WATER EFFICIENT LANDSCAPE REGULATIONS."

Motion by Mayor Pro Tem Leyba-Gonzalez

Seconded by Councilmember Fisher

Introduce Ordinance No. 2023-1234 by title only, waive further reading, and set the matter for its second reading and adoption at the next regularly scheduled City Council meeting.

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

10. PUBLIC HEARINGS

11. REPORTS

11.a DISCUSSION ON CITY-WIDE COST ALLOCATION PLAN AND USER FEE STUDY. (0390-60)

Finance Director Gitmed introduced the item.

Nicole Kissam, Director from NBS, gave a PowerPoint presentation on the fee study process and results. She responded to questions of City Council regarding why there were no comparisons on the table.

No public comments.

Councilmember Fisher inquired if there could be a flat fee for ADUs.

Mayor Aguirre commented that the fees should be tailored to the Imperial Beach community. She agreed with Councilmember Fisher's comments regarding ADUs.

In response to concerns regarding regular updates to fees, Finance Director Gitmed stated the process will not take as long with City Council approving yearly escalations and having a review every 5 to 7 years.

Mayor Aguirre called a recess at 8:26 p.m. and reconvened the meeting at 8:33 p.m. with all Councilmembers present.

Motion by Councilmember Seabury

Seconded by Mayor Aguirre

1. Receive and file the User Fee Study prepared by NBS Government Finance Group; and
2. Direct Staff to notice for Public Hearing and bring related resolutions and ordinances to a future Council meeting in order to adopt the City of Imperial Beach Master Fee Schedule

AYES (5): Mayor Aguirre, Mayor Pro Tem Leyba-Gonzalez, Councilmember McKay, Councilmember Seabury, and Councilmember Fisher

Motion Carried (5 to 0)

11.b DISCUSSION AND DIRECTION ON RAIN BARREL AND WATER CONSERVATION PROCEDURES. (0230-70)

City Planner/Management Associate Ayala gave a PowerPoint presentation and she responded to Councilmember Fisher's questions regarding the types of barrels.

No public comments.

Councilmember Seabury spoke in support of the item and to have guidelines to help control mosquitos.

Mayor Aguirre said it is important to find ways to help the community save resources. She spoke about the need for guidelines especially for controlling the spread of mosquitos. This will also help address the issue of storm water run-off. She inquired if this would gain points in the City's Climate Action Plan.

11.c DISCUSSION RELATED TO THE NOTICE RECEIVED BY THE CITY FROM THE U.S. POSTAL SERVICE RELATED TO THE RELOCATION OF THE IMPERIAL BEACH MAIL CARRIERS TO THE CHULA VISTA POST OFFICE PER THEIR SORTING AND DELIVERY CENTER INITIATIVE. (0150-40)

Mayor Aguirre reported that in June, staff attempted to reach out to the Postmaster to discuss the Post Office after the City was contacted by a postal union and received a complaint from a member of the public about changes to Post Office operations. Staff did not receive a response from the Postmaster and reached out to the USPS Strategic Communications Specialist, who is in Hawaii. The City was informed that local USPS leadership declined our request to discuss operations and we were provided with a general statement describing the Sorting and Delivery Center initiative. Following this response, a community rally was held at the Post Office, where many expressed their concerns about modification of operations. After this public response, a USPS representative from Colorado reached out to her and staff describing the Sorting and Delivery Center initiative. The City informed the representative that local USPS leadership needs to address the community directly and respond to questions. They were invited to this meeting but declined. Representative Vargas' office was in contact with her and has been engaged in communicating with the USPS. The City is seeking more information from the USPS because the lack of communication and transparency has resulted in the community being very concerned.

Public comments provided by:

Bob Waterhouse, President of the American Postal Workers Union San Diego Area Local 197, explained the changes that are happening with the Postal Service that's leading to the closure of post offices and moving of operations.

Josie Hamada indicated opposition to closure of the Post Office. She did not speak.

Gilda Rojas indicated opposition to closure of the Post Office. She did not speak.

City Council expressed opposition to closure of the local Post Office. There was consensus of City Council that they oppose any kind of change, and Mayor Aguirre directed staff to return with a resolution that clearly states the City's position at the next City Council meeting.

12. I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS

None.

13. ITEMS PULLED FROM THE CONSENT CALENDAR

None.

14. CITY COUNCIL FUTURE AGENDA REQUESTS

Councilmember Seabury expressed concern about activities taking place on the pier at night and requested Park Rangers or the Port Authority police the area and enforce rules.

Mayor Aguirre stated that the City Manager has been working with the Port of San Diego on this matter and she requested he provide an update to City Council.

15. ADJOURN REGULAR MEETING

Mayor Aguirre adjourned the Regular Meeting at 9:06 p.m.

Jacqueline M. Kelly, MMC

City Clerk

Paloma Aguirre

Mayor