

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

**November 15, 2023, 6:00 p.m.  
Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

TELECONFERENCE LOCATION:  
Graton Resort & Casino  
VIP Registration Room, adjacent to the Hotel Lobby  
288 Golf Course Drive West, Rohnert Park, CA 94928

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

Staff City Manager Foltz, Chief Administrative Officer Cortez-Martinez, City Attorney Lyon, City Clerk Kelly, Fire Chief French, Community Development Director Openshaw, City Planner/Management Associate Ayala, Assistant City Clerk Malone

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

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**1. CALL MEETING TO ORDER**

Mayor Aguirre called the meeting to order at 6:05 p.m. At 6:07 p.m., due to technical difficulties, Mayor Pro Tem Leyba-Gonzalez stepped in as Chair for the remainder of the meeting.

**2. ROLL CALL**

City Clerk Kelly took roll.

**3. PLEDGE OF ALLEGIANCE**

Girl Scout Troop 5267 led the Pledge of Allegiance.

**4. REIMBURSEMENT DISCLOSURES/REPORTS ON ASSIGNMENTS AND COMMITTEES**

Councilmember Fisher

- SD Regional Chamber awards ceremony where Mayor Aguirre received an award for building bridges.
- Subcommittee of SANDAG to hire the interim CEO

Councilmember Seabury

- Dia de los Muertos event at Veterans Park
- Grand opening of the outdoor women's sports store
- South County Economic Development Council Board of Directors meeting
- Announced there is still time to sign up for the Young Entrepreneurs Academy
- Southwestern College Veterans Day Ceremony
- Veterans Day event at Dunes Park
- South County Economic Development Council meeting where there were presentations by State officials and local utility representatives

Councilmember McKay

- Metro Wastewater Commission JPA meeting
- Dia de los Muertos event at Veterans Park
- Filled in for Councilmember Fisher at the SANDAG Board meeting
- Grand opening of the outdoor women's sports store
- The outdoor meeting held at 3rd Street and IB Blvd. regarding concerns about MTS Rapid Route 227
- Coronado Film Festival featuring documentary The Big Dump
- Veterans Day event at Dunes Park

Mayor Pro Tem Leyba-Gonzalez

- The outdoor meeting held at 3rd Street and IB Blvd. regarding concerns about MTS Rapid Route 227
- Veterans Day event at Dunes Park

Mayor Aguirre

- Dia de los Muertos event at Veterans Park
- Filled in for Mayor Pro Tem Leyba-Gonzalez at the MTS Board of Directors meeting
- San Diego Community Power Finance and Risk Management Subcommittee meeting
- Coronado Film Festival
- Military Appreciation Day event
- Announced the City Council will consider a Veterans and Military Affairs Committee ordinance on December 6
- Announced that she is attending the California Coastal Commission meetings and today there was a presentation on the Tijuana River emergency where they approved letters to the President, the California Governor, and the U.S. Secretary of State

**5. COMMUNICATIONS FROM CITY STAFF**

City Manager Foltz announced there is information about MTS Rapid Route 227 on the City's website.

**6. PUBLIC COMMENT**

Martin Mattes reported on Chamber of Commerce events and activities.

Eric Gutierrez, representing IBAC, announced the upcoming 6th Annual Food and Toy Drive that will benefit 12 local families in need.

Abigail Hughes, Brigantine General Manager, expressed concerns about the MTS Rapid Route 227 affecting her business. She said that bus drivers are parking in front of the restaurant while taking their breaks which blocks patron's views of the sunset.

Agustin Rojas stated that the lanes on 9th Street are not wide enough to accommodate buses and semi-trucks as these vehicles overlap with the bike lanes. He expressed concern about the bumps on sidewalks being a slip hazard for walkers and a danger for bicyclists.

Jerry Potts, representing a local non-profit, offered the City 30 signs to educate the public in English or Spanish about not leaving children unattended in vehicles.

Edward Brakmanis encouraged the City to plant nectar plants to attract butterflies.

Deborah Vance spoke in support of installing pickleball courts within the City and said she will volunteer her time to help make it happen.

City Manager Foltz stated the City Council gave staff direction to look into locations for potential pickleball uses and will reach out to her for assistance. He also reminded the public about the Mayor's State of the City Address scheduled for December 7.

## 7. PRESENTATIONS

### 7.a RECOGNITION OF SAN DIEGO REGIONAL FIRE FOUNDATION FOR HURST EDRAULIC EXTRICATION TOOLS GRANT. (0390-84)

Fire Chief French recognized and thanked the San Diego Regional Fire Foundation for providing the City with a grant for edraulic extrication tools.

Frank Ault, Board Chairman for San Diego Regional Fire Foundation, spoke about the goals of the organization to provide all residents of the County with equal access to the best safety equipment possible.

Fire Department staff demonstrated the new equipment.

## 8. CONSENT CALENDAR

No public comments.

Regarding Item No. 8.e, City Manager Foltz clarified that the delay with the project is due in large part to the transaction of sale for the right-of-way from the City to the property owner.

**Motion by** Mayor Aguirre

**Seconded by** Councilmember McKay

To approve Consent Calendar Item Nos. 8.a through 8.h.

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

**Motion Carried (5 to 0)**

**8.a APPROVAL OF CITY COUNCIL MEETING MINUTES.**

City Council approved the Regular Meeting Minutes of October 18, 2023.

**8.b RATIFICATION OF WARRANT REGISTER FOR THE PERIOD FROM OCTOBER 21, 2023, TO NOVEMBER 3, 2023. (0300-25)**

City Council ratified and filed the Warrant Register Report.

**8.c RESOLUTION 2023-102 CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER. (0150-40 & 0210-26)**

Adopted Resolution No. 2023-102 to maintain a state of local emergency related to the cross-border pollution impacts from the Tijuana River and authorize the City Manager, Mayor, and Councilmembers to work with local, State, Federal, and Mexican authorities to advance binational projects to improve conditions in the Tijuana River.

**8.d SECOND READING AND ADOPTION OF ORDINANCE 2023-1238 AMENDING CHAPTERS 12.56 AND 12.60 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO ORGANIZED USE OF CITY PARKS AND BEACHES. (0920-95)**

The City Council conducted the second reading and adopted Ordinance 2023-1238, amending the Municipal Code, by title only.

**8.e 2K COMMERCIAL PALM IB, LLC; TIME EXTENSION FOR CP-22-0008; DRC-22-0022; SPR-22-0023; CUP-22-0007; & CLASS 32 CEQA EXEMPTION FOR THE PROJECT (COMMERCIAL AND 14 RESIDENTIAL UNITS (2 AFFORDABLE)) AT 236-238 PALM AVE (APN 625-023-07-00). (0600-20)**

The City Council adopted Resolution 2023-98, approving a six (6) month time extension for Regular Coastal Development Permit (CP-22-0008), Design Review Case (DRC-22-0022), Site Plan Review (SPR-22-0023), Conditional Use Permit (CUP-22-0007), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development Projects) to demolish the existing structure and construct a new mixed-use development with approximately 2,212 square feet of commercial space and fourteen (14) residential units with an affordable housing component on a 9,139 square feet property located at 236-238 Palm Avenue (APN 625-023-07-00) in the C/MU-2 (Seacoast Commercial & Mixed-Use) Zone.

**8.f RESOLUTION NO. 2023-101 AWARDED A PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE 10TH STREETSCAPE ENHANCEMENT PROJECT (S22107) AND APPROPRIATING \$410,000 TO THE PROJECT BUDGET. (0390-86 & 0720-10)**

Adopted Resolution No. 2023-101 awarding the contract for the 10<sup>th</sup> Streetscape Enhancement Project to Fordyce Construction, Inc. in the amount of \$1,171,685, and authorize a budget transfer in the amount of \$410,000 to the 10<sup>th</sup> Streetscape Enhancement Project (S22107) from available Transnet and SB1 funds.

**8.g ADOPTION OF RESOLUTION NUMBER 2023-99 AUTHORIZING THE CITY MANAGER TO RATIFY THE PARAMEDIC STAFFING AGREEMENT WITH THE CITY OF CHULA VISTA. (0250-20)**

The City Council adopted Resolution 2023-99 authorizing the City Manager or designee to ratify the Paramedic Staffing Mutual Aid Agreement with the City of Chula Vista.

**8.h RESOLUTION NUMBER 2023-100 AUTHORIZING THE CITY MANAGER TO RATIFY THE MEMORANDUM OF AGREEMENT (MOA) WITH THE COUNTY OF SAN DIEGO, OES FOR THE USE OF THE WIRELESS EMERGENCY ALERT (WEA) AND GENERATE ALERT SAN DIEGO CAMPAIGNS TO OUR JURISDICTION. (0210-72)**

The City Council adopted Resolution 2023-100 authorizing the City Manager to ratify the MOA with the County of San Diego, OES for the use of the Wireless Emergency Alert (WEA) and generate Alert San Diego campaigns to our jurisdiction.

**9. ORDINANCES/INTRODUCTION & FIRST READING**

None.

**10. PUBLIC HEARINGS**

None.

**11. REPORTS**

**11.a RESOLUTION NO. 2023-97 APPROVING THE AGE-FRIENDLY IMPERIAL BEACH 2023 ACTION PLAN. (1030-90)**

Housing & Neighborhood Services Manager Rolfe gave a PowerPoint presentation. In response to questions from Councilmember Fisher, he stated grant funding came from the San Diego Foundation and a lot of the work in developing the report was done by San Diego State University.

No Public Comments.

Mayor Aguirre thanked Manager Rolfe and everyone involved for their efforts in completing this plan.

Councilmember Fisher suggested sending out mailers to the entire community to engage with the community rather than just relying on social media.

**Motion by** Councilmember Seabury  
**Seconded by** Councilmember Fisher

Adopt Resolution 2023-97 approving the Age-Friendly Imperial Beach 2023 Action Plan.

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

**Motion Carried (5 to 0)**

**11.b RAIN BARREL AND CISTERN GUIDELINES FOR IMPERIAL BEACH. (0230-70)**

City Planner/Management Associate Ayala gave a PowerPoint presentation. She responded to Councilmember McKay's question about requirements for the installation of a 10,000 gallon cistern. She stated that larger storage vessels are recommended in areas that are prone to drought. A permit would be needed, and the requirements would be more robust than the installation tips found in the Imperial Beach guidelines.

Councilmember Seabury spoke in support of rain barrels.

No Public Comments.

In response to Mayor Aguirre's question regarding how the information will be disseminated, Associate Ayala stated the information is a one-page handout that can be readily available to the public.

Mayor Aguirre suggested the information be placed on the City's website and that staff partner with an outside organization to hold a forum.

**Motion by Mayor Aguirre**

**Seconded by Councilmember Seabury**

To receive the report and adopt Resolution 2023-103 Recommended Rain Barrel and Cistern Guidelines.

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

**Motion Carried (5 to 0)**

**11.c CLIMATE ACTION PLAN UPDATE REPORT. (0620-30)**

Mayor Pro Tem Leyba-Gonzalez called a recess at 7:40 p.m. and called the meeting back to order at 7:48 p.m. with all councilmembers present.

Community Development Director Openshaw gave a PowerPoint presentation.

No Public Comments.

Councilmember Fisher recommended the removal of stop signs that are not necessary to lower greenhouse gas emissions. He suggested looking at Carnation Ave. and Seacoast Drive, 2nd Street and Palm Ave., and 3rd Street and IB Blvd.

Councilmember McKay commented on the opportunities to lower emissions by adjusting the timing of traffic lights. He complained that the left-hand turn signal from Palm Ave. to Old Palm Ave. has long waiting times.

Mayor Aguirre stated that to reach the goals, she suggested looking at complete streets and traffic calming measures. She further stated that pedestrian safety and reducing greenhouse gases can happen at the same time. She suggested staff look at potential

sources of grant funding because there are plenty of opportunities created through the infrastructure bill and the climate resilience fund at the federal level.

**Motion by** Mayor Pro Tem Leyba-Gonzalez  
**Seconded by** Councilmember McKay

To receive the Climate Action Plan Report.

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

**Motion Carried (5 to 0)**

**11.d DISCUSSION ABOUT THE ALLOWANCE OF THE SALE AND CONSUMPTION OF ALCOHOL DURING SPECIAL EVENTS AND FACILITY RENTALS AT CITY PARKS AND FACILITIES. (0920-95)**

Parks and Recreation Director Bullock gave a PowerPoint presentation.

No Public Comments.

In response to Councilmember McKay's question about what kind of liability the City would have if alcohol is allowed at these facility rentals, City Attorney Lyon responded that in the permit process, there are insurance requirements, an ABC License, and a request to defend and indemnify the City.

Director Bullock explained the application process for an ABC License.

Councilmember Fisher is opposed to installing 6 ft chain link fences around special events because it presents negative messaging.

Mayor Aguirre spoke in opposition to allowing alcohol in any City facility, she was open to eliminating the option at Pier Plaza, and having it remain at Veterans Park depending on the event. She was also open to revisiting the type of fencing that would be provided.

Councilmember Seabury favored ornamental fencing over construction chain link fencing. She was in support of allowing alcohol at the Senior Center. She also said that renting out the Senior Center would be a good source of income.

Mayor Pro Tem Leyba-Gonzalez commented that the construction fencing is cheaper and easier to set up and tear down than the ornamental fencing.

Councilmember McKay commented that there is a new facility opening up across the street from Pier Plaza and perhaps events can migrate to that location. He was open to renting out City facilities for special events as well as having the option to serve alcohol.

Councilmember Fisher commented that there are only a few facilities available to the community. He spoke in support of renting out the Senior Center with a higher deposit compared to deposits for outdoor spaces.

City Manager Foltz asked the City Council for direction on what staff should bring back for the City Council's consideration.

Mayor Pro Tem Leyba-Gonzalez supported the allowance of alcohol at Pier Plaza and the Senior Center.

Councilmember Fisher suggested looking at all the areas that currently allow it and including the Senior Center for discussion. At that time City Council can vote to decide where to move forward with the policy.

Councilmember Seabury concurred with Mayor Pro Tem Leyba-Gonzalez's comments.

Councilmember McKay also concurred with Mayor Pro Tem Leyba-Gonzalez's comments but clarified that the alcohol allowance is only for special events.

Mayor Aguirre spoke in opposition to allowing alcohol at the Senior Center. She is opposed to chain link fences and supported the ornamental chain link fences.

**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 requested recognition of 7 kids who participated in the Kiwanis Club's Literacy Program. The request was seconded by Mayor Pro Tem Leyba-Gonzalez.

**15. ADJOURN REGULAR MEETING**

Mayor Pro Tem Leyba Gonzalez adjourned the Regular Meeting at 8:26 p.m.

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Jacqueline M. Kelly, MMC  
City Clerk

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Paloma Aguirre  
Mayor