

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

**October 2, 2024, 6:00 p.m.
Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

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

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, Sheriff's Lieutenant Gathings

**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

Sheriff's Lt. Gathings led the Pledge of Allegiance.

4. REIMBURSEMENT DISCLOSURES/REPORTS ON ASSIGNMENTS AND COMMITTEES

Mayor Pro Tem Leyba-Gonzalez

- SANDAG Board of Directors Meeting, highlighting the new CEO's report on accountability and changes.
- Announced the "OTL on the Beach" event is this Saturday.

Councilmember Fisher

- The last installment of Music in the Park
- Symphony by the Sea

Councilmember Seabury

- Imperial Beach Chamber of Commerce Board meeting
- City of Imperial Beach Annual Employee Appreciation Event
- IB Chamber of Commerce Breakfast Meeting and announced the Chamber of Commerce Expo is on October 16.
- Announced a Mommy and Me organization for military wives
- Ribbon Cutting Ceremony for Wyyerd
- Crosby Team grand opening
- Veterans Outreach event
- Kiwanis 25th Fishing Derby
- Symphony by the Sea
- Welcoming of the Honor Flight's return to San Diego
- South County Economic Development Council meeting
- Raising of the U.S. Navy Flag

Councilmember McKay

- Announced he attended several events already mentioned
- Special Meeting of the Metro Wastewater JPA
- Air-Cooled VW Car Show
- City of Imperial Beach Employee Appreciation Event
- SANDAG Board of Directors Meeting where the new CEO laid out his vision for SANDAG and said that he would try to allocate border tolls specifically to the Tijuana River Valley mitigation and restoration.
- Symphony by the Sea
- Raising of the U.S. Navy Flag

Mayor Aguirre

- Wyyerd Ribbon Cutting
- San Diego Community Power Board of Directors meeting
- Voice of San Diego panel where she was invited to speak about the Tijuana River
- Symphony by the Sea
- Philippine American Business Improvement Development Association's Top Hats Global Gibbey Awards
- Groundbreaking at the International Wastewater Treatment Plant for Junction Box 1
- Swearing-in of the new Mayor of Tijuana
- Raising of the U.S. Navy Flag
- Press Conference hosted by Councilwoman Vivian Moreno and Mayor Todd Gloria. They unanimously approved a resolution calling for the federal government to declare a state of emergency.
- Sent a renewed call to President Biden for immediate action to address the sewage crisis.
- She showed a poster board photo of the Tijuana River with 6 to 12 inches of foam on it which was shared with a Voice of San Diego panel

5. COMMUNICATIONS FROM CITY STAFF

Fire Chief French announced the Fire Station Open House and blood drive is scheduled for October 5. He also announced that it will be Fire Prevention Week with the theme "Smoke Alarms: Make Them Work for You!"

CAO Cortez-Martinez announced Breast Cancer Awareness Month is in October and she shared information about the disease.

City Manager Foltz announced County of San Diego staff and volunteers will be walking door-to-door in the south region distributing flyers and door hangers with information about a community health assessment that will be taking place in mid-October. The assessment is in partnership with the CDC and related to the Tijuana River sewage situation.

Mayor Aguirre spoke about the importance of people participating in the survey to report illnesses.

6. PUBLIC COMMENT

Written comments were submitted by:

Thomas Pochedley regarding low-cost strategies that could improve EV adoption within the community.

Larry Guerrero supports an ordinance banning evictions for remodeling and stronger tenant protections.

Oral Public comments:

Bethany Case, volunteer with Surfrider, invited everyone to upcoming events, including a gathering to address transboundary pollution.

Tim Keeton expressed concern about the impact of rent control ordinances on good landlords and tenants and advocated for existing protections under AB 1482.

John Monte, resident at the Swell Apartments, spoke about the impacts remodeling has had on the residents and he expressed concern with equity investors and corporate landlords.

Gerri Wood-Hermann, resident at the Swell Apartments, complained about the impacts of remodeling.

Brenda Bautista complained about the remodeling at the Swell Apartments. She asked for rent stabilization laws and a ban on no fault remodel evictions.

Robert Lucas, a resident of the Swell Apartments, complained that there is no physical address on the building, that residents have not been informed about the construction, and he expressed concern that they may have been exposed to asbestos.

Martin Mattes gave an update on Chamber of Commerce activities.

Daniel Loza, resident of the Swell Apartments, asked for help with large rent increases and evictions.

Jean Heurtelou, resident of the Swell Apartments, expressed concern about the possibility of getting evicted and having to relocate. He asked for renter protection.

Susan Vanderlinden, resident at Hawaiian Gardens, expressed concern about the apartments being managed by a new company. She complained about the condition of the property and that there is no onsite manager and no onsite maintenance.

Paulina Olvera Canez asked for better protection against unfair rent increases and evictions. She complained about her own experience with rent increases.

Patricia Mendoza asked for support with stronger tenant protection laws for all tenants in the community.

Anthony Azul complained about the increase in his rent and asked for rent stabilization and stronger tenant protection.

Christin Cosio complained about the changes at the Swell Apartments. She pleaded for help from the City Council as neighbors leave due to fear of higher rent.

Juan Nevarez complained that the fees for water and sewer have increased at his trailer park. He asked for support of just cause and rent stabilization laws.

Councilmember Leyba-Gonzalez left Council Chambers at 7:07 p.m. and returned at 7:09 p.m.

Lizbeth Ontivero asked for stronger tenant protection to address the high cost of rent. She wants the City to enact its own laws that address the needs of Imperial Beach residents.

Juliana Hernandez complained about the increase in her rent and asked for help.

Juan Carlos Ontiveros asked for stronger protection for renters and spoke in favor of rent stabilization.

Maria Cerda complained about the high cost of rent and asked City Council to take action.

Jose Lopez shared his personal experience with rent increases. He spoke about the need for stronger tenant protection laws, including reasonable rent increase limits and protections against no-fault evictions.

Iris Guevara, resident of the Swell Apartments, said that due to the repairs being done to the apartments, the tenants are being evicted. However, they are allowed to reapply to move back in, but only if they can afford the new, higher rental rates after the renovations. She asked that the residents be grandfathered in to stay.

Laura Arispe, resident of the Swell Apartments, expressed concern that her home could be taken away due to the increase in rent and no-fault evictions.

Rachel Orozco spoke in support of tenant protections and just cause protections.

7. PRESENTATIONS

7.a UPDATE ON SUNCOAST MARKET CO-OP. (0130-60)

Kim Frink, Board President, and Doug Zilm, General Manager, for the Suncoast Market Co-op, gave a PowerPoint presentation on the item. They responded to questions of City Council regarding the name of the contractor and when the market will open.

Tracy Santoni spoke in support of the Suncoast Market Co-op and encouraged the City to continue to support it.

Councilmember Fisher looked forward to seeing the project come to fruition.

Mayor Aguirre spoke about the need for the community to have access to healthy food options, especially in light of the ongoing environmental and public health challenges facing Imperial Beach.

Mayor Aguirre called a recess at 7:54 p.m. She called the meeting back to order at 7:58 p.m. with all Councilmembers present.

8. CONSENT CALENDAR

Motion by Councilmember Seabury
Seconded by Councilmember Fisher

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

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

Motion Carried (5 to 0)

8.a APPROVAL OF CITY COUNCIL MEETING MINUTES.

To approve the Regular Meeting Minutes of September 4, 2024 and September 18, 2024.

8.b RATIFICATION OF WARRANT REGISTER FOR THE PERIOD FROM SEPTEMBER 7, 2024 TO SEPTEMBER 20, 2024. (0300-25)

City Council ratified and filed the Warrant Register Report.

8.c RESOLUTION 2024-071 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. 2024-071 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 Council members to work with local, State, Federal, and Mexican authorities to advance binational projects to improve conditions in the Tijuana River.

8.d RESOLUTION NO. 2024-068 – CONFLICT OF INTEREST CODE UPDATE. (0420-95)

Adopted Resolution No. 2024-068 approving an updated Appendix II to the Conflict of Interest Code.

8.e RESOLUTION NO. 2024-069 – ESTABLISHING ETHICS TRAINING AND SEXUAL HARASSMENT PREVENTION TRAINING REQUIREMENTS. (0420-95)

Adopted Resolution No. 2024-69 establishing ethics training and sexual harassment prevention training requirements.

8.f CONSIDERATION OF RESOLUTION 2024-072 REQUESTING A BUDGET AMENDMENT FOR FY 2024/25 FOR SENIOR COMMUNITY CENTER SHADE AND PATIO FURNITURE. (0300-20 & 0930-20)

Adopted Resolution 2024-072 approving a budget amendment for FY 2024/25 for the Senior Community Center shade and patio furniture project.

8.g NOTIFICATION OF TRAVEL: MAYOR AGUIRRE WILL BE TRAVELLING WITH THE SAN DIEGO CHAMBER OF COMMERCE DELEGATION TO MEXICO CITY ON OCTOBER 20-23, 2024. (0410-60)

9. ORDINANCES/INTRODUCTION & FIRST READING

None.

10. PUBLIC HEARINGS

10.a HERITAGE INN 2 OF IMPERIAL BEACH LLC (APPLICANT); CONSTRUCTION OF A NEW FOUR-STORY MIXED-USE BUILDING CONSISTING OF AN 83-GUESTROOM HOTEL AND 3,100 SQUARE FOOT GROUND-FLOOR COMMERCIAL SPACE AT 701-707 PALM AVENUE (APN 626-250-02-00) USE-24-0001. MF 1590.

Councilmember Fisher announced that he is recusing himself from discussion on the item due to the proximity of his residence to the project and left Council Chambers at 8:00 p.m.

Mayor Aguirre declared the public hearing open.

City Planner/Management Associate Ayala gave a PowerPoint presentation on the item.

Written public comments:

Vijay Kuppurajan MD requested assistance in identifying and securing alternative office space.

Heather Marmon was in Favor of the project.

Sandra Brillhart was in support of the project with modifications.

Jamie Boyd was in favor of the Wellness Center.

Oral public comments:

The following submitted speaker slips in support of the item Parmela Sauhney, MD, Toni Nagy, Lisa Panissidi, Radha Solai. (Did not speak).

In response to Councilmember Seabury's request for artwork on the northern elevation, City Planner Ayala explained that due to strict branding guidelines, it is not something that the applicant could provide.

Mayor Pro Tem McKay spoke in support of the project. In response to his suggestion of adding queen palm trees of varying heights to create a visually appealing focal point that complements the beach atmosphere, Kastytis Cechavicius, project Architect, mentioned there are existing palm trees on the north side, indicating that no additional trees could be planted there.

Councilmember Leyba-Gonzalez emphasized the importance of the hotel to the community, noting it would provide additional accommodation to visitors and also provide construction and service jobs for residents.

Mayor Aguirre thanked everyone who provided written comments and attended the meeting. She expressed support for the project. She emphasized that the hotel would offer more accommodation options for visitors and military families, create jobs, and she appreciated the developer's willingness to consider design recommendations.

Estein Lenyon expressed excitement about the artwork that will be inside the hotel, he also noted that brand standards set by Hilton will influence design choices. He emphasized the inclusion of a world-class wellness spa, and he also reviewed the construction timeline with the start of construction anticipated for the end of the first quarter, depending on financing and market conditions.

Motion by Mayor Aguirre

Seconded by Mayor Pro Tem McKay

To adopt Resolution 2024-070 approving Regular Coastal Permit (CP-24-0001), Design Review Case (DRC-24-0001), Site Plan Review (SPR-24-0001), Conditional Use Permit (CUP-24-0001), Administrative Sign Permit (ASP-24-0001), Tentative Parcel Map (PM-24-0003) and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-Fill Development Projects) to demolish an existing single-story commercial building and construct one new mixed-use building consisting of a four-story hotel and 3,100 square foot ground-floor commercial condominium space at 701-707 Palm Avenue (APN 626-250-02-00) in the C/MU-1 (General Commercial and Mixed-Use) Zone. USE-24-0001.

AYES (4): Mayor Aguirre, Mayor Pro Tem McKay, Councilmember Seabury, and Councilmember Leyba-Gonzalez

Conflict (1): Councilmember Fisher

Motion Carried (4 to 0)

Councilmember Fisher returned to the Council Chambers at 8:30 p.m.

11. REPORTS

11.a PRESENTATION AND FINANCIAL REPORT BY THE ONE WORLD BRIDGE FOR THE 2024 ANNUAL POW WOW BY THE SEA EVENT. (1040-10)

Jeffrey Jackson gave a report on the item and showed a video.

No public comments.

Councilmember Fisher spoke in support and expressed appreciation for the cultural significance of the Pow Wow by the Sea event.

Mayor Aguirre expressed her appreciation and gratitude for the cultural significance and community impact of the Pow Wow by the Sea event.

11.b CONSIDERATION OF A SPECIAL EVENT APPLICATION TO INCLUDE A STREET CLOSURE TO HOST THE 2024 WINTER COMES TO THE BEACH HOSTED BY YE OLDE PLANK INN. (1040-10)

City Manager Foltz gave a PowerPoint presentation on the item.

Councilmember Leyba-Gonzalez supported the item.

Mayor Pro Tem McKay requested a follow-up report to City Council including information on the benefit to the community and a financial report.

Mayor Aguirre requested that a follow-up report be a requirement for every event. The report should include an overview of the event, a financial report, the benefit to the community, and the economic impact. She also spoke in support for having local bands.

Motion by Councilmember Leyba-Gonzalez
Seconded by Mayor Aguirre

To approve the request from the Ye Olde Plank Inn event applicant to host an event with street closure on Saturday, December 7, 2024.

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

Motion Carried (5 to 0)

12. I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS

None.

13. ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

14. CITY COUNCIL FUTURE AGENDA REQUESTS

Mayor Pro Tem McKay requested an update on the Pure Water Program in November or December. The item was seconded by Mayor Aguirre.

15. ADJOURN REGULAR MEETING

Mayor Aguirre adjourned the Regular Meeting at 8:53 p.m.

Jacqueline M. Kelly, MMC
City Clerk

Paloma Aguirre
Mayor

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