

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

**November 20, 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, Finance Director Flyte

**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

Councilmember Seabury led the Pledge of Allegiance.

4. REIMBURSEMENT DISCLOSURES/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Leyba-Gonzalez

- SANDAG Board of Directors meeting
- Military Appreciation Day event
- SANDAG Border to Bayshore Bikeway Project Workshop
- MTS Board of Directors meeting
- Suncoast Farmers Market

Councilmember Fisher

- SANDAG Board of Directors meeting. He encouraged everyone to attend the next SANDAG Board of Directors meeting to provide comment supporting the resolution that the City sent to SANDAG.

Councilmember Seabury

- Military Appreciation Day event
- SANDAG Mobility meeting
- Southwestern College Ribbon Cutting for the Botanical Garden and Tennis Center
- San Diego County's Annual Tribal Flag Raising Ceremony
- Kiwanis Outstanding Student Achievement Award/Student of the Month is Bobby Vejar
- Suncoast Farmers Market at the Arts Bureau Mosaic table
- Pacific Southwest Association of Realtors Installation
- IB Chamber of Commerce Board meeting

Mayor Pro Tem McKay

- Metro Wastewater JPA Meeting
- Military Appreciation Day event
- SANDAG briefing
- Spoke before the City of Chula Vista City Council regarding a state of emergency resolution on the transboundary pollution issue which got approved unanimously
- Suncoast Farmers Market

Mayor Aguirre

- Military Appreciation Day event
- Beyond Borders Conference where she participated in a panel entitled The Tijuana River Conundrum
- Thanked Mayor Pro Tem for going to the City of Chula Vista Council meeting in her absence
- California Coastal Commission meeting in San Francisco. They wired a letter to President Biden requesting a declaration of emergency and sent a letter to the IBWC asking them to prioritize funding and fixes and expedite the timeline for construction of the International Wastewater Treatment Plant
- Attended the Tijuana River Valley Crisis Policy and Innovation Panel
- President Biden and Congress have put out an emergency funding request that includes funding to fix the international treatment plant

5. COMMUNICATIONS FROM CITY STAFF

City Manager Foltz announced the pier will be closed for maintenance and displayed the maintenance/closure schedule.

6. PUBLIC COMMENT

Leon Benham expressed concern about the long timeline for the IBWC plan to address the sewage issues, as well as the impact of the Otay Mesa East viaduct project in Mexico on the sewage problems affecting Imperial Beach.

Maria D. spoke about her personal experience facing eviction and pleaded with the City Council to provide stronger tenant protections.

Alberto Fernandez asked City Council to protect the residents by passing stronger tenant protection laws.

Joshua Lopez asked City Council to prioritize the well-being and interests of the community members over serving the interests of large corporations.

Gerri Wood-Hermann requested rent stabilization so landlords cannot increase rent more than once per year and no more than 3% of the rate of inflation, whichever is lower.

Valerie Fernandez requested help and support from the City Council, as she and her family face the prospect of being evicted during the holiday season.

Ignacio Martinez understood how difficult it must be to be evicted. However, he stated that rent control and regulations are too tough on small business landlords, as the true rate of inflation is much higher than 3%, making it impossible for them to keep up. He said the proposed solutions could have unintended consequences that end up harming small businesses and lead to further corporate takeovers. He also read a letter from his mother, Sheila Martinez, who said that rent control and relocation assistance laws would disproportionately harm the small, private landlords in Imperial Beach, compared to the large companies.

Truth spoke about having more empathy and understanding towards the Imperial Beach community, rather than dismissing it for the sewage issues. She commented that a similar issue at other beaches would have been solved very quickly. She spoke in support of installing a gateway sign to welcome people to Imperial Beach. She also spoke about the presidential election process which is determined by the Electoral College.

Heather England said her family is struggling financially and unable to find an affordable place in Imperial Beach. She appealed for help and urged City Council to consider families like hers when making decisions and to provide support.

Alexandria England spoke about the importance this community is to her, especially with her family's challenges, and encouraged the City Council to allow them to remain in their home, particularly during the holidays.

Philip Del Rio shared his personal struggle after being diagnosed with cancer, expressed deep concern about being evicted on January 31st as he cannot afford to move or rent elsewhere, and he called on the City Council to create laws against what the landlord is doing.

Olivia Fernandez expressed fear and anxiety about her family's impending eviction. She appealed to City Council for help to protect her family and others in similar situations. She emphasized that children and teenagers shouldn't have to worry about losing their homes while trying to focus on school.

Robert Lopo expressed concern over the harm to renters, especially those who face eviction and the uncertainty of finding housing. He also spoke about the rent increases he has experienced, emphasizing that higher rents only benefit property owners.

Gilbert Ivan Johnson urged City Council to advocate for change at the state and federal levels, highlighting incomes, especially disability benefits, are not keeping up with the rising cost of living. He spoke against corporate greed displacing vulnerable people and asked City Council to take action to stop evictions.

Brenda Bautista said that she and other tenants will be evicted for substantial remodels. She spoke in support of stronger tenant protections, citing cities like South Pasadena and Pasadena, where relocation fees are much higher to account for moving costs and tenant needs.

Robert Lucas urged the City Council to ban no-fault evictions, he called for stronger tenant protection laws similar to those in Pasadena, and urged the City Council to take a stand against corporate landlords to protect residents from eviction and rising rent.

Sandra Del Rio spoke about the emotional toll facing eviction has had on her family. She emphasized the unfairness of no-fault evictions, especially when the same units are quickly re-listed at higher rents after tenants leave. She urged City Council to seek a fairer approach to eviction laws and better protections for families like hers.

Jose Lopez urged action against no -fault evictions and stressed the need for stronger tenant protections.

Mico Miranda expressed her desire to remain in their home and community, rather than be displaced and separated from their support network and familiar environment.

Abril Gomez spoke about the stress her mother has been experiencing since receiving an eviction notice, and asked for City Council's support in finding a fair resolution that all can agree to.

Anthony Azul spoke in support of having stronger tenant protections.

Ana Preciado requested compassion and support for the Hawaiian Garden residents.

Rachel Orozco requested help from City Council.

7. PRESENTATIONS

7.a PRESENTATION ON THE PURE WATER SAN DIEGO PROGRAM BY SARAH BROWER, PROGRAM MANAGER WITH THE CITY OF SAN DIEGO. (0840-90)

Sarah Brower, Program Manager with the City of San Diego, gave a PowerPoint presentation on the item.

Truth criticized the program, questioning its practicality, cost-effectiveness, and reliability during emergencies.

City Council discussion ensued regarding the timeline, costs, regional collaboration, and regulatory considerations around the Pure Water San Diego program and its potential impacts on Imperial Beach.

8. CONSENT CALENDAR

Truth commented on the following items:

8c: She criticized other agencies for their overuse of emergency declarations for events she believed don't constitute true emergencies. She commented that the SANDAG item regarding the Otay Mesa East Toll, has no mention of the mitigation fund that was brought up by Councilmember Fisher. She encouraged the public to attend the upcoming SANDAG meeting.

8e: She expressed concerns about awarding the contract to Trane Technologies due to the company's past and current practices. She recommended seeking a different company for the project.

Motion by Councilmember Fisher
Seconded by Mayor Pro Tem McKay

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

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

Motion Carried (5 to 0)

8.a APPROVAL OF CITY COUNCIL MEETING MINUTES.

City Council approved the Regular Meeting Minutes of November 6, 2024.

8.b RATIFICATION OF WARRANT REGISTER FOR THE PERIOD FROM OCTOBER 26, 2024 TO NOVEMBER 8, 2024. (0300-25)

City Council ratified and filed the Warrant Register Report.

8.c RESOLUTION 2024-084 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. 2024-084 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 SECOND READING & ADOPTION OF ORD. NO. 2024-1251 AMENDING TITLE 19 TO UPDATE THE CITY'S ZONING ORDINANCE FOR BY-RIGHT HOUSING DEVELOPMENT APPROVAL TO MEET STATE LAW & APPROVING THE LCP AMENDMENT & EXEMPTION PER CEQA GUIDELINES SECTION 15061(b)(3).(0660-95)

City Council conducted the second reading by title only, waived further reading, and adopt Ordinance No. 2024-1251 by title only approving the proposed amendment, Local Coastal Program Amendment (LCPA-23-0001) of Title 19 (Zoning) to allow by-right housing development approval consistent with Program 9 of the City's Housing Element to meet State Law and to update the City's density bonus ordinance to reflect changes in State Law; and finding and certifying that the proposed zoning amendment (Ordinance 2024-1251) is consistent with the Coastal Act; and finding an exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (the common sense exemption).

8.e RESOLUTION NO. 2024-086 ADDING THE FY25 FIRE STATION HVAC PROJECT TO THE CAPITAL IMPROVEMENT PROGRAM; APPROPRIATE \$195,000 TO THE PROJECT BUDGET; AND AWARD A CONTRACT TO TRANE TECHNOLOGIES FOR CONSTRUCTION OF THE PROJECT. (0910-40)

Adopted Resolution No. 2024-086 to: (1) add the FY25 Fire Station HVAC Project (F25101) to the Imperial Beach Capital Improvement Program; (2) authorize the appropriation of \$195,000 to the Project budget; and (3) award a Public Works contract for a not to exceed amount of \$195,000 to Trane Technologies to construct the Project.

9. ORDINANCES/INTRODUCTION & FIRST READING

None.

10. PUBLIC HEARINGS

None.

11. REPORTS

11.a PRESENTATION AND FINANCIAL REPORT BY VW AIR COOLED FIESTA EN LA PLAYA CAR SHOW EVENT. (1040-10)

Dan Decker, Secretary of the San Diego Air Cooled Incorporated VW Car Club, gave a PowerPoint presentation on the item.

Councilmember Fisher expressed his strong appreciation and support for the VW Car Club's annual event at Imperial Beach.

Councilmember Seabury suggested for the club to create and sell a calendar featuring photos from the event.

Mayor Pro Tem McKay supported and appreciated the VW Car Club's annual event and their positive impact on the Imperial Beach community.

Mayor Aguirre shared her personal connection to Volkswagens and her strong appreciation for the VW Car Club's event, which she wants to see continue to grow in Imperial Beach.

Mayor Aguirre called a recess at 8:06 p.m. and called the meeting back to order at 8:12 p.m. with all Council Members present.

11.b REVIEW OF FISCAL YEAR 2023-24 AUDITED FINANCIAL STATEMENTS AND RELATED DOCUMENTS AND RESOLUTION NO. 2024-085 AUTHORIZING THE ALLOCATION OF FUND BALANCE AND AUTHORIZING NECESSARY ASSIGNMENTS, TRANSFERS, AND BUDGET AMENDMENTS. (0412-50 & 0310-90)

Finance Director Flyte gave a PowerPoint presentation on the item.

No public comments.

Mayor Pro Tem McKay appreciated the engaging financial presentation. He questioned the specific uses for the maintenance request and pension fund contributions, with an openness to potentially increase the pension fund amount.

Councilmember Fisher stated that he would be agreeable to making a motion to increase the pension fund contribution to \$300,000, rather than the \$200,000 originally proposed.

Director Flyte responded to Mayor Aguirre's questions about upcoming regulatory changes, recommendations for managing the pension liability, and the City's overall financial health, including the potential impacts of the sales tax decline.

Motion by Councilmember Fisher

Seconded by Mayor Pro Tem McKay

1. For the City Council and Board(s) to receive and file the Fiscal Year 2023-24 City of Imperial Beach Audited Financial Statements and related documents.
2. Adopt Resolution No. 2024-085 authorizing the allocation of fund balance and authorizing necessary assignments, transfers, and budget amendments.
3. Change the PARS Sec 115 trust fund amount from \$200,000 to \$300,000.

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

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

None.

15. ADJOURN REGULAR MEETING

Mayor Aguirre adjourned the Regular Meeting at 8:44 p.m.

Jacqueline M. Kelly, MMC
City Clerk

Paloma Aguirre
Mayor