



CITY OF MONTEBELLO
SPECIAL CITY COUNCIL MEETING

MINUTES

TUESDAY, MAY 3, 2022 AT 6:30 P.M.

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA 90640**

CALL TO ORDER – Mayor Cobos-Cawthorne called the meeting to order at 6:35 p.m.

ROLL CALL – Members present were Mayor Cobos-Cawthorne, Mayor Pro Tem Jimenez, Councilmember Torres, Councilmember Melendez, and Councilmember Peralta. City Clerk Jimenez and Treasurer Gutierrez were also present.

STAFF PRESENT – City Attorney Arnold Alvarez-Glasman, City Manager René Bobadilla, Assistant City Manager Arlene Salazar, Deputy City Clerk Alicia Fernandez, Assistant to Deputy City Clerk Kimberly Guillen.

PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

The City Clerk's Office had four (4) members of the public wishing to address the City Council. Speakers were provided three minutes to address the City Council and said speaker cards are on file at the City Clerk's office.

CLOSED SESSION – 6:30 P.M.

Mayor Cobos-Cawthorne recessed the meeting into Closed Session at 6:51 p.m. to consider the following closed session items:

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Government Code Section 54956.9(d)(2)
One matter

Mayor Cobos-Cawthorne reconvened the meeting at 7:00 p.m. During Closed Session the City Council received a briefing on Item No. 1, no action taken; nothing to report.

REGULAR SESSION – IMMEDIATELY FOLLOWING CLOSED SESSION

CORRECTIONS TO THE AGENDA – CITY MANAGER

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

The City Clerk's Office had six (6) members of the public wishing to address the City Council. Speakers were provided three minutes to address the City Council and said speaker cards are on file at the City Clerk's office.

The City Clerk's Office acknowledged one (1) written public comments submitted to the City's public comment email address. Said comments are on file at the City Clerk's office.

REGULAR BUSINESS

2. PRESENTATION BY OUTSIDE COUNSEL AND DISCUSSION REGARDING THE RESULTS OF THIRD PARTY INVESTIGATOR'S FINDINGS ON COUNCILMEMBER TORRES' CONDUCT

Presentation was given by, Nancy P. Doumanian, Esq. Nancy Law Group/Doumanian & Associates, into the administrative investigation for City of Montebello of Council Member David Torres regarding his conduct. The presentation included an overview on the following: City Council members as elected officials and their behavior expectations; the #MeToo movement and how it has changed the work environment; workplace etiquette in today's society; how other cities have handled Council Members who engage in harassing, hostile and retaliatory conduct towards city employees; potential liability to the City of Montebello; employers obligations under the law on hostile work environment and workplace harassment; and Councilmember Torres' investigation findings.

Ms. Doumanian also presented the scope of the investigation, methodology, strategy, scope of the allegations, and assessing witness credibility. She then proceeded to present the findings of the 17 witnesses who came forward to testify to Councilmember Torres' conduct and presented Councilmember Torres responses to the investigators.

Councilmember Melendez stated that today is not a discussion of Councilmember Torres' character, but a plea from staff to stop this behavior. He also noted that he was disappointed in the lack of respect shown during this presentation and the mockery that was going on.

Councilmember Peralta expressed her disappointment by the presentation and spoke in favor of Councilmember Torres and commended his work as a Councilmember.

Mayor Pro Tem Jimenez expressed her concern for the 17 employees that came forward regarding allegations by Councilmember Torres and commended staff for coming forward. Furthermore, she noted that the miscommunication has created a toxic work environment at City Hall.

Councilmember Torres stated that he was not given a chance to present evidence during his investigation and encouraged City to release his emails and text messages with staff to the public because all communication was within his duties as Councilmember. He also noted that it was never his intent to cause any concern or harm and apologized for his behavior, but also acknowledged that everything he's done has been in his scope as a Councilmember.

Mayor Cobos-Cawthorne also noted that the 17 witness allegations are unsettling and mentioned the possibility of a potential class action lawsuit. The Mayor apologized to the employees and proceeded to open it up for recommendations from Council.

Mayor Pro Tem Jimenez asked for a 5 minute recess to make the right decision. Council recessed and the Mayor reconvened the meeting at 9:08 p.m.

Councilmember Melendez addressed Councilmember Torres' previous comments and commended him on his apology, stating that this is a step towards a healing process. Councilmember asked City Manager and City Attorney to craft something and bring it back in a month to assure that Councilmember Torres will continue to have his first amendment rights as a Councilmember but also that there are procedures in place to remedy this situation and assure that employees are safe. Councilmember Melendez made a motion to have this come back in a month and have a deeper discussion at that time.

Councilmember Peralta expressed her concerns on why there aren't procedures put into place internally with our HR department to serve our employees out of respect and their protection. She also noted that she would like the Fire Chief's harassment claim against the Mayor to be addressed prior to any action taken tonight.

Mayor Pro Tem Jimenez seconded the motion made by Councilmember Melendez, asking that the City Council direct the City Manager and City Attorney to craft something and bring it back in a month to assure that Torres continue to have his First Amendment rights as a Councilmember but also that there are procedures in place to remedy this situation and assure that employees are safe.

During the June 22, 2022 Council Meeting, Councilmember Torres requested to amend the May 3, 2022 meeting minutes to make reference to the Municipal Code 2.04.05, Section E, that he cited.

MOVED: Melendez	SECONDED: Jimenez	APPROVED: 3-2-0-0
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AYES: Melendez, Jimenez, Cobos-Cawthorne

NOES: Peralta, Torres

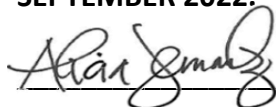
ABSTAIN: None

ABSENT: None

ADJOURNMENT

Mayor Pro Tem Jimenez motioned to adjourn the meeting, seconded by Mayor Cobos-Cawthorne. Motion carried unanimously and the meeting was adjourned at 9:13 p.m.

THE MINUTES OF MAY 3, 2022 ARE HEREBY APPROVED AND ADOPTED ON THIS 14TH DAY OF SEPTEMBER 2022.



Alicia Fernandez, Senior Deputy City Clerk