

MINUTES

THE CITY OF MONTEBELLO CITY COUNCIL MET AT THE ABOVE TIME AND PLACE IN A REGULAR SESSION.

OPENING CEREMONIES

1. **CALL MEETING TO ORDER** – Mayor Cobos-Cawthorne called the meeting to order at the hour of 5:32 p.m.

2. **ROLL CALL** – City Clerk C. Jimenez

MEMBERS PRESENT (Via Zoom) – Cobos-Cawthorne, Torres, Jimenez, Melendez, Peralta.

STAFF PRESENT – City Attorney Arnold Alvarez-Glasman, City Manager René Bobadilla, Assistant City Manager Arlene Salazar, Director of Planning and Community Development Joseph Palombi, Director of Finance Michael Solorza, Deputy City Clerk Alicia Fernandez, Assistant to Deputy City Clerk Kimberly Guillen.

3. **STATEMENT OF PUBLIC ORAL COMMUNICATIONS FOR CLOSED SESSION ITEMS:**
City Attorney Alvarez-Glasman.

ORAL COMMUNICATIONS ON CLOSED SESSION ITEMS

None.

CLOSED SESSION – 5:30 P.M.

Mayor Cobos-Cawthorne recessed the meeting into Closed Session at 5:32 p.m. to consider the following closed session items:

The City Attorney shall provide a briefing on the item listed for Closed Session as follows:

4. **THREAT TO PUBLIC SERVICES OR FACILITIES**

Government Code Section 54957

Consultation with City Manager, Police Chief, City Attorney and other related City officials.

5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Government Code Section 54956.9(d)(1)

Name of case: Romo v. City of Montebello (case number MNTA-3845)

6. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code Section 54956.8

Property: 901 Via San Clemente, Montebello CA

Agency's Negotiator: René Bobadilla, City Manager

Negotiating Party: Topgolf

7. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Government Code Section 54956.9(d)(2)

One matter of threat of litigation regarding CVRA

One case to be discussed pursuant to (e)(1) of Government Code Section 54956.9(d)(2)

8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

CGA v. City of Montebello (Case No. 2:21-cv-01011-FLA-AGR)

Mayor Cobos-Cawthorne reconvened the meeting at the hour of 5:33 p.m. The City Attorney, Arnold Alvarez-Glasman, announced that during Closed Session the City Council (Council) received a briefing on Items 4, 6, and 7; there was no action taken and nothing further to report. Item No. 5 was held over and will be presented to the Council at a future date. Lastly, Council received a briefing Item No. 8 and there was no action taken, but it was noted that in the CGA v. City of Long Beach case, which City of Montebello is not a party to, was argued before the court on Tuesday but there has been no decision on that case as of yet.

REGULAR SESSION

9. INVOCATION – Pastor John Velasco, Heart of Compassion

10. PLEDGE OF ALLEGIANCE – Sergeant Ray Camuy, Officer Michael Vasquez, and Officer Juan Martinez

11. CORRECTIONS TO THE AGENDA – CITY MANAGER - None

12. STATEMENT OF PUBLIC ORAL COMMUNICATIONS:

Please be aware that the maximum time allotted for individuals to speak shall not exceed three (3) minutes per speaker. Please be aware that in accordance with State Law, the City Council may not take action or entertain extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor.

At this City Council meeting and consistent with the Governor's Executive Order No. N-29-20, the City Council meeting will continue to be live streamed for the public's convenience and can be watched at www.cityofmontebello.com and click on Live Stream. For those interested in making public comments, you may call on Wednesday February 24, 2021 between 7:30 a.m. – 4:30 p.m. at (323) 887-1437. Staff will complete public comment cards in the order received. The public will be called during the City Council meeting that begins at 6:30 p.m. the exact call back time is not predictable due to the nature of the City Council agenda. As a result, you must be available until the end of the meeting to receive a live call from staff during the meeting. The City has created an email address ccpubliccomment@cityofmontebello.com where the public can submit public comments from 7:30 a.m. – 4:30 p.m. on Wednesday, February 24, 2021. These questions will be read out loud and submitted for the record.

13. PUBLIC ORAL COMMUNICATIONS ON OPEN SESSION ITEMS (30 MINUTES)

Ms. Kimberly Guillen, Assistant to the City Clerk, called two (2) members of the public wishing to address the City Council. Speakers were provided three minutes to address the City Council. Speaker names are on file at the City Clerk's office.

Ms. Kimberly Guillen, also read twelve (12) public comments submitted to the City's public comment email address. Said comments are on file at the City Clerk's office.

14. APPROVAL OF AGENDA: Any items a Councilmember wishes to discuss should be designated at this time. All other items may be approved in a single motion with the exception of Item Nos. 15 and 16 and any item upon which a member of the public or City Council has requested to speak upon. Such approval will also waive the reading of any ordinance.

Councilmember Peralta pulled Item No's. 20 and 21 for discussion. Mayor Cobos-Cawthorne pulled Item No. 21 for discussion.

Mayor Pro Tem Torres motioned that all items be approved in a single motion with the exception of Item Nos. 20 and 21, seconded by Councilmember Peralta. Such approval will also waive the reading of any ordinance. Motion carried unanimously.

PUBLIC HEARING

15. APPEAL OF A PLANNING COMMISSION DECISION OF DENIAL OF CONDITIONAL USE PERMIT ("CUP") MODIFICATION CUP 02-94-M1 TO ALLOW FOR THE OPERATION OF A SOLID WASTE TRANSFER STATION AT 1701 GAGE ROAD

On January 29, 2021 a Notice of Public hearing was published in the Whittier Daily news and notices were also mailed to all property owners within 300 feet of the proposed project site. Director of Planning and Community Development Joseph Palombi presented a staff report and presentation to the City Council. The presentation included information regarding the zoning, area aerial map of existing and proposed building, and a proposed site plan. The main function of the project would be to transfer waste from smaller hauling trucks into larger hauling trucks allowing for consolidated operations for a more efficient operating system. All transfer activities would be concealed and fully enclosed. Staff completed an Initial Study as part of the environmental review and it was found that the project will have less than significant effects on the environment; therefore, a negative declaration was prepared and processed pursuant to CEQA as part of the process a traffic analysis was also prepared in connection with the Initial Study. The Initial Study concluded that a traffic study would not be required because the threshold for requiring a traffic study is a project that generates 50 vehicles trips during peak periods. Staff also highlighted a letter received by the Applicant to Council, stating that the original project that was analyzed for potential impacts for a 1,500 tons per day Solid Waste Transfer Station would be reduced by 50%, to 750 tons per day. That reduction would also result in a reduction of vehicle trips from 426 to 274 vehicle trips, a reduction in operational air emissions by 88%, and potential reduction of greenhouse gas emissions by 36%. Mr. Alvarez-Glasman, City Attorney, introduced letters in support and objection of the project and entered them into the record and are on file at the City Clerk's office.

Larry Miner, Clemens Environmental Consultant for NASA Services, Inc. (NASA) stated that he was involved with land use issues and findings associated with the Conditional Use Permit and was available to answer any questions. Judy Gregory from NASA briefed the Council on the positive outcomes of the proposed project and was available to answer any questions. Kate Dowe, Clemens Environmental Consultant for NASA stated that she worked with the applicant to prepare the Initial Study and was available to answer any questions.

Ms. Kimberly Guillen, Assistant to the City Clerk, called thirteen (13) members of the public wishing to address the Council in opposition of the project. All speakers were provided three minutes to address the Council. Speaker names are on file at the City Clerk's office.

NASA and Clemens Environmental Consultant were allowed three minutes to provide a rebuttal to Council that addressed the community's concerns.

Councilmember Melendez stated that the project conforms with the City's General Plan and land use element of the project is compatible with the surrounding land uses and supports the existing goals and policies developed for that area, including the zoning. Mr. Melendez referred to City Attorney Alvarez-Glasman if the City risks potential litigations if the Council directed to uphold the Planning Commission's denial decision. Mr. Alvarez-Glasman stated that the applicant would have an opportunity to file a litigation at their discretion. Mr. Melendez concluded that he would not vote for a project if there would be a negative impact on the residents and urged his colleagues to overturn the Planning Commission's decision and approve the proposed project.

Mayor Pro Tem Torres mentioned that the City's General Plan will be updated and that by designating the site as a solid waste transfer facility the City is determining the future of the surrounding area for years to come. Mr. Torres expressed his concerns regarding the frequency of vehicles, odors, trash issues, and lack of environmental friendly land uses.

Councilmember Peralta expressed that Council should consider the public comments because they sustain the City. Ms. Peralta also reminded her colleagues that the City's General Plan has not been updated since 1973 and because that type of land use may have been acceptable at some point, does not mean that it is acceptable today. Furthermore, Ms. Peralta expressed her concerns in opposition of the project and stated that it would not benefit residents, businesses, or the City as a whole.

Councilmember Jimenez asked for clarification on what Staff's initial recommendation was for the proposed project. Mr. Palombi stated that the original recommendation was for approval of the proposed project. Ms. Jimenez asked for clarification on any anticipated litigation. Ms. Jimenez asked the basis of Staff's original recommendations and Mr. Palombi stated that Staff's recommendations were made based on the conformance with the General Plan, underlying zone, and exiting CUP. In conclusion, Ms. Peralta expressed that she is in support of the project.

Mayor Cobos-Cawthorne stated that she was in receipt of emails for members of the community expressing their concerns.

It was moved and seconded to uphold the decision that the Planning Commission made direct staff to prepare a Resolution of findings that will uphold the decision and refer back to Council at a future date.

Motion carried on 3-2-0-0 vote

MOVED: Peralta

SECOND: Torres

APPROVED: 3-2-0-0

AYES: Torres, Peralta, Cobos-Cawthorne

NOES: Melendez, Jimenez

ABSTAIN: None

ABSENT: None

REGULAR BUSINESS

- 16. INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONTEBELLO AND BRANDYWINE ACQUISITION GROUP LLC AND ADOPT RESOLUTION APPROVING: 1) GENERAL PLAN AMENDMENT; 2) ZONE CHANGE FROM R-1 TO R-3 WITH A PLANNED DEVELOPMENT DISTRICT; 3) DENSITY OVERLAY ZONE; 4) HEIGHT OVERLAY ZONE; 5) SITE PLAN REVIEW; 6) PARKING MANAGEMENT PLAN; 7) VESTING TENTATIVE TRACT MAP ("VTTM NO. 83239") TO ALLOW 31 NEW RESIDENTIAL DWELLING UNITS AND RELATED AMENITIES FOR THE PROPERTY LOCATED AT 301 JACMAR DRIVE; AND 8) ADOPTION OF MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM**

Mayor Cobos-Cawthorne requested the City Attorney Alvarez-Glasman address this matter. Mr. Alvarez-Glasman stated that Staff's recommendation is to move this matter to the next regularly scheduled meeting.

It was moved by Councilmember Melendez to table this matter to the March 10, 2021 City Council Meeting, seconded by Councilmember Peralta. Motion carried unanimously.

CONSENT MATTERS

17. AWARD A PROFESSIONAL SERVICES AGREEMENT FOR PROFESSIONAL SUPPORT SERVICES FOR ADMINISTRATION OF HOME/CDBG PROGRAMS (RFP NO. 21-24)

Mayor Pro Tem Torres motioned to approve, seconded by Councilmember Peralta that the City Council:

1. Award a Professional Services Agreement to Advanced AVANT-GARDE Corporation ("Avant Garde") in an amount not-to-exceed \$130,220 (One Hundred Thirty Thousand Two Hundred Twenty) over the course of a two (2) year term for Professional Support Services for the Administration of HOME/CDBG Programs; and
2. Authorize the City Manager to execute the proposed Professional Services Agreement with Advanced AVANT-GARDE Corporation.

Motion carried unanimously.

18. APPROVAL OF FINAL TRACT MAP NO. 81329 FOR THE DEVELOPMENT OF 17 RESIDENTIAL DWELLING UNITS AT 1029 MONTEBELLO BOULEVARD

Mayor Pro Tem Torres motioned to approve, seconded by Councilmember Peralta that the City Council:

1. Approving the Final Tract Map No. 81329 for the development of 17 residential dwelling units located at 1029 Montebello Boulevard; and
2. Authorizing the City Clerk, City Treasurer, and City Engineer to execute the Certificate on the map showing the City's approval of Final Map for Tract Map No. 81329.

Motion carried unanimously.

19. ANNUAL CONCRETE REPAIR PROGRAM FISCAL YEAR 2020 - 21 (C.P. # 885) - AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION

Mayor Pro Tem Torres motioned to approve, seconded by Councilmember Peralta that the City Council:

1. Approve the Plans, Specifications, and Estimate (PS&E) for the Annual Concrete Repair Program for Fiscal Year 2020-21 (C.P. # 885);
2. Authorize the City Clerk to publish the Notice Inviting Bids (Attachment A);
3. Approve the Notice of Exemption (Attachment B) for the subject project and authorize the City Clerk to file the Notice of Exemption with Los Angeles Registrar-Recorder; and
4. Approve the Total Project Budget (Attachment C).

Motion carried unanimously.

20. ADOPTION OF A RESOLUTION APPROVING A GROCERY DISTRIBUTION PROGRAM TO ASSIST ELIGIBLE RESIDENTS IN THE CITY OF MONTEBELLO

Councilmember Peralta stated that she would like to amend the language in the ordinance to be more inclusive of all residents that reside in the City by eliminating the immigration status requirement as long as the resident can provide proof of income, their tax return, and meet the additional requirements. If at a later date the program is

funded through federal grant money and an immigration status is required then that requirement can be reinstated at that time.

It was moved by Councilmember Peralta, seconded by Mayor Pro Tem Torres that the City Council:

1. Adopt the proposed Resolution approving a Grocery Distribution Program with the suggested amended language; and
2. Adopt the Grocery Distribution Program Guidelines and Application; and
3. Amend the Fiscal Year 2020-21 budget by increasing appropriations by \$20,000 in Account No. 100-99-998-6000.20, COVID-19 Response, Supplies Non-Durable.

Motion carried unanimously.

21. ADOPT AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON INCREASES TO THE CITY'S BUSINESS LICENSE TAX AND AMENDING APPLICABLE SECTIONS OF MONTEBELLO MUNICIPAL CODE CHAPTER 5.08

Councilmember Peralta expressed her concerns on the proposed increase to the City's Business License Tax in connection with the moratorium. Many of the residents and businesses have been impacted by the increase and suggested that the City conduct a Comprehensive Fee Study of surrounding cities and bring back to Council after the study is completed in order to justify any additional increases.

Councilmember Peralta made a motion to continue with the moratorium but hold off on any increases until after a Comprehensive Fee Study is completed, and refer back to Council for further discussion.

City Manager René Bobadilla commented that he discussed the matter with Ms. Peralta and found that a possible resolution for this was to allow a 7% increase in July, knowing that the City has not raised a rate in 10 years and in that time the cost of providing service has drastically increased. Therefore, Mr. Bobadilla highly recommends that the Council consider the July 1st increase and allow staff time to conduct a Comprehensive Fee Study for all fees assessed by the City, which at that point additional increases can be considered as suggested from the Study.

Mayor Cobos-Cawthorne asked for clarification that it has been 10 years since any increases have been assessed and if the fee study would resolve the issue of those businesses improperly categorized. Ms. Cobos-Cawthorne asked for clarification on a Request for Proposals. Mr. Bobadilla confirmed that it has indeed been 10 years and that the study would correct the issue of those not categorized correctly, and recommended that Council direct staff to release the RFP.

Mayor Pro Tem Torres agreed with Ms. Peralta's suggestion of holding off on any increases considering the current Pandemic. The motion to continue with the moratorium but hold off on any increases until after a Comprehensive Fee Study is completed, and refer back to City Council for further discussion was seconded by Mayor Pro Tem Torres. Motion carried unanimously.

22. ADOPT AN ORDINANCE AMENDING CHAPTER 10.32 - "STOPPING, STANDING AND PARKING" OF THE MONTEBELLO MUNICIPAL CODE RESERVING EMPLOYEE ONLY PARKING STALLS AT CITY OWNED OR OPERATED PARKING LOTS, AND ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION THEREOF

Mayor Pro Tem Torres motioned to approve, seconded by Councilmember Peralta that the City Council:

1. Introduce and waive first reading of an Ordinance amending Chapter 10.32 – “Stopping, Standing and Parking” of the Montebello Municipal Code reserving employee only parking stalls at City-owned or operated parking lots and establishing rules and regulations for the operation thereof; and
2. Authorize the Director of Recreation and Community Services/Director of Public Works, and/or his designee(s), to install the required signage per California Vehicle Code Section 22519 giving notice of the prohibitions, restrictions and/or regulations ushered in by the proposed Ordinance.

Motion carried unanimously.

23. APPROVAL OF MINUTES – JANUARY 13, 2021

Mayor Pro Tem Torres motioned to approve, seconded by Councilmember Peralta that the minutes of January 13, 2021 be approved as written on February 24, 2021.

Motion carried unanimously.

24. PAYMENT OF BILLS: RESOLUTION APPROVING THE CITY WARRANT REGISTER OF DEMANDS DATED FEBRUARY 24, 2021

RECOMMENDATION: It is recommended that the City Council:

Mayor Pro Tem Torres motioned to approve, seconded by Councilmember Peralta that the City Council.

Adopt the proposed Resolution approving the Warrant Register dated February 24, 2020.

Motion carried unanimously.

25. ORAL COMMUNICATIONS – CONTINUED IF NECESSARY

COUNCIL ORALS

26. COUNCIL MEMBER ANNOUNCEMENTS; REQUESTS FOR FUTURE AGENDA ITEMS; CONFERENCE/MEETINGS REPORTS

1. Councilmember Peralta

a. Small business data collections to improve outreach and communication

Ms. Peralta direct staff to improve the City’s database by obtaining additional contact information such as email addresses and phone numbers of all active restaurants within the City.

b. San Gabriel Valley Council of Governments Update

Ms. Peralta provided an update to Council on the Capital Projects and Construction Committee.

Ms. Peralta also recognized to the owner of Gina’s Pizzeria, Richard G. Leos, for his contributions to the community and send his condolences to the family.

2. Councilmember Melendez

a. Commissioner Appointments

Mr. Melendez appointed Mariah Lopez for Youth & Education Commission; Natalia Lomeli for Planning Commission, Nellie Nieblas for Personnel Advisory Commission, Delia Lopez for Parks and Recreation Commission, and Brisa Sotela for Fiscal Accountability and Investment Commissioner.

3. Mayor Cobos-Cawthorne

a. Discussion on Council/Director Communication and Relationship

Ms. Cobos-Cawthorne prepared a copy to enter into record to be distributed to the Council for their consensus.

b. Website Transparency – PRA

Ms. Cobos-Cawthorne asked for transparency on the PRA requests agenda items, attachments, videos to be readily available online. Add Council meetings to website calendar.

c. Agenda – Case Numbers, correct companies listed

Ms. Cobos-Cawthorne thanked staff for adding the case numbers on the agenda. Lastly, Mayor Cobos-Cawthorne thanked the Montebello Fire and Police Departments, as well as mutual aid departments that assisted in the Greenwood Fire.

ADJOURNMENT

Mayor Pro Tem Torres motioned to adjourn the meeting, seconded by Councilmember Peralta. Motion carried unanimously and the meeting was adjourned at 9:30 p.m.

THE MINUTES OF FEBRUARY 24, 2021 ARE HEREBY APPROVED AND ADOPTED ON THIS 24TH DAY OF MARCH 2021.



Alicia Fernandez, Deputy City Clerk