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**CITY OF MONTEBELLO  
CITY COUNCIL, SUCCESSOR AGENCY, AND PUBLIC FINANCING AUTHORITY  
JOINT REGULAR MEETING**

**MINUTES**

**WEDNESDAY, NOVEMBER 16, 2022 AT 5:00 PM**

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

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**OPENING CEREMONIES**

**CALL TO ORDER**

*Mayor/Chairperson Cobos-Cawthorne called the meeting to order at 5:04 p.m.*

**ROLL CALL**

*Members present were Mayor/Chairperson Cobos-Cawthorne, Mayor Pro Tem Jimenez/Vice Chairperson (arrived at 5:07 p.m.), Councilmember/Member Peralta, Councilmember/Member Melendez, and Councilmember/Member Torres. City Clerk/Board Secretary Jimenez and Treasurer Gutierrez were also present (Treasurer Gutierrez arrived at 5:55 p.m.).*

**PUBLIC COMMENTS FOR CLOSED SESSION ITEMS**

At this time, the general public may address the City Council/PFA on Closed Session Items. Please be aware that the maximum time allotted for members of the public to speak on Closed Session Items shall not exceed three (3) minutes per person. State Law prohibits the City Council/PFA from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor.

*There were Closed Session speaker cards or public comments submitted by the public.*

**CLOSED SESSION 5:00 P.M.**

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

*Item 2a. was added to the agenda as a subsequent need matter pursuant to Government Code Section 54956.9 (d)(4). It was motioned by Councilmember Melendez, seconded by Councilmember Peralta, that the item be added; the motion was approved unanimously.*

*Mayor Cobos-Cawthorne recessed the meeting into Closed Session at 5:08 p.m. to consider the following Closed Session items, including the added item:*

1. **THREAT TO PUBLIC SERVICES OR FACILITIES**  
Government Code Section 54957  
Consultation with City Manager, Police Chief, City Attorney and other related City officials.
  
2. **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  
Under Negotiation Price and Terms

**Walk On Item No. 2.5.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Government Code Section 54956.9(d)(4)

One matter related to GFC

**REGULAR SESSION NO LATER THAN 6:00 P.M.**

**CLOSED SESSION REPORT**

Mayor Cobos-Cawthorne reconvened the meeting at 6:05 p.m.

All five members were present to discuss all Closed Session items. City Attorney Arnold Alvarez-Glasman provided the following report to City Council: a briefing was provided on Item No. 1, no action taken and nothing to report; a briefing and update was provided on Item No. 2, no action taken and nothing to report; Item No. 2.5 was related to a further resolution claim and settlement agreement with Garfield Financial Corporation. The City Council provided authority and direction to the City Attorney and City Manager's office, consistent with the terms discussed in Closed Session, the City attorney's office will execute the necessary release from Garfield Financial Corporation to effectuate those terms; Item No. 2.5 was approved unanimously by the City Council.

**INVOCATION**

City Treasurer Rafael Gutierrez led the City Council in the Invocation.

**PLEDGE OF ALLEGIANCE**

Director Razo led the City Council in the Pledge of Allegiance.

**CORRECTIONS TO THE AGENDA CITY MANAGER**

City Manager Bobadilla stated there were no corrections to the agenda. City Attorney Alvarez-Glasman later stated that there was a correction needed on Item No. 26, Agreement No. 4043, paragraph #7 to be removed from the agreement and a final version will be provided.

**CEREMONIAL/PRESENTATIONS**

3. **RECOGNITION OF CITIZEN OF THE MONTH - ERNIE PERALTA**  
Presented by Mayor Cobos-Cawthorne.
  
4. **RECOGNITION OF MENS HEALTH AWARENESS MONTH**  
Presented by Mayor Cobos-Cawthorne.

**5. RECOGNITION OF ALZHEIMER DISEASE AWARENESS MONTH**

*Presented by Mayor Cobos-Cawthorne.*

**PUBLIC COMMENTS ON NON-AGENDA AND AGENDA ITEMS (30 MINUTES)**

At this time, the general public may address the City Council/PFA on both non-agenda and agenda items. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per speaker. State Law prohibits the City Council/PFA from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor.

*The Public Comment period started at 6:21 p.m. The City Clerk's Office acknowledged two (2) 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 two (2) written public comment(s) submitted to the City's public comment email address; said comments are on file at the City Clerk's office.*

*One (1) additional speaker card was submitted after the written comments were read; said speaker was provided three minutes to address the City Council and the speaker card is on file at the City Clerk's office. The Public Comment Period ended at 6:37 p.m.*

**STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST**

*Director Sosnowski provided the City Council an update of the upcoming City events.*

**PUBLIC HEARING**

**6. PUBLIC HEARING APPROVING AN ENERGY SERVICES CONTRACT WITH THERMA, LLC.**

**NOTE: This Public Hearing has been canceled.**

**RECOMMENDATION:**

*The Public Hearing was canceled.*

**REGULAR BUSINESS**

**7. INTRODUCE AND WAIVE FIRST READING OF ORDINANCE NO. 2457 AMENDING CHAPTER 2.14 OF THE MONTEBELLO MUNICIPAL CODE TO UPDATE THE RULES OF ORDER AND PROCEDURE FOR THE CONDUCT OF ALL CITY COUNCIL AND SUCCESSOR AGENCY MEETINGS, PROCEEDINGS, AND BUSINESS**

**RECOMMENDATION: It is recommended that the City Council:**

1. Introduce and waive First Reading of Reading of Ordinance No. 2457 Amending Chapter 2.14 of the Montebello Municipal Code Updating the Rules of Order and Procedure for the Conduct of all City Council and Successor Agency Meetings, Proceedings, and Business; and
2. Take such additional related action that may be desirable.

*City Attorney Alvarez presented the Staff Report and was available to answer any questions.*

*Councilmember Torres stated that there are still provisions that are concerning. Councilmember Melendez stated that the Ordinance complies with State law regarding decorum procedures. Councilmember Peralta stated that she would like the City Council to provide feedback, specifically comments related to community engagement.*

*Councilmember Melendez motioned to approve as recommended by staff, seconded by Mayor Pro Tem Jimenez and passed by the following vote:*

|   |                          |                          |
|---|--------------------------|--------------------------|
| <b>MOVED: Melendez</b>                          | <b>SECONDED: Jimenez</b> | <b>APPROVED: 3-2-0-0</b> |
| <b>AYES:</b> Melendez, Jimenez, Cobos-Cawthorne |                          |                          |
| <b>NOES:</b> Peralta, Torres                    |                          |                          |
| <b>ABSTAIN:</b> None                            |                          |                          |
| <b>ABSENT:</b> None                             |                          |                          |

## 8. **FISCAL YEAR 2022-23 FIRST QUARTER BUDGET REPORT**

### **RECOMMENDATION: It is recommended that City Council:**

1. Receive and file this agenda report and the presentation on the Fiscal Year 2022-23 First Quarter Budget; and
2. Update the Table of Organization/Master Position Control by adding four (4.0) positions (Attachment C) to various departments; and
3. Approve Resolution No. 22-91(Attachment D) amending the Compensation Plan to add two (2.0) new job classifications; and
4. Take such additional, related action that may be desirable.

*Director Solorza provided a PowerPoint presentation to the City Council with an overview of the following: FY, Budget Development 5 year cycle, Process Improvements, FY 22-23 Updated Year-End Forecast, FY 22-23 General Fund Revenue; Sources of Revenue Adopted Budget; Revenue Projections, FY 22-23 Sales Tax Focus, General Fund Expenditures, Expenditures by Function Adopted Budget, Department Expenditures, and was available to answer any questions.*

*City Manager Bobadilla stated that from 2000-2019 the City of Montebello never had a balanced budget and currently the City Council has adopted three surplus budgets.*

*Councilmember Torres asked for clarification on the 8 million dollar surplus and Director Solorza provided an explanation. In addition, Councilmember Torres asked clarifying questions regarding the Human Resources positions and Director Razo provided a briefing to explain the need. Councilmember Melendez commended the staff and stated that he supports staff needs. Councilmember Peralta commended the staff and asked for clarification on how ARPA funds became surplus funds and promoted prioritizing positions in public safety. Mayor Pro Tem Jimenez commended the staff and stated her support for the healthy surplus. Mayor Cobos-Cawthorne asked for clarification on the use of ARPA funds; Director Solarza provided clarification.*

*It was motioned by Mayor Pro Tem Jimenez, seconded by Councilmember Melendez to approve the item as recommended by staff; the motion was approved unanimously.*

### **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine. Any items a Councilmember wishes to discuss should be designated at this time. All other items may be approved in a single motion. Such approval will also waive the reading of any ordinance.

*Councilmembers Torres and Peralta pulled Item No's. 9, 13, and 20. In addition, Councilmember Torres pulled Item No's. 18 and 23 and Mayor Cobos-Cawthorne pulled Item No. 16. It was motioned by Councilmember Melendez, seconded by Councilmember Torres, that Item No's. 10-12, 14-15, 17, 19, 21-22, and 26 be approved; the motion passed unanimously.*

## 9. **SECOND READING AND ADOPTION OF ORDINANCE NO'S. 2454, 2455, AND 2456 APPROVING DEVELOPMENT AGREEMENTS (DA02-22, 03-22, AND 04-22) BETWEEN THE CITY OF MONTEBELLO AND CLEAR CHANNEL OUTDOOR, LLC FOR PROPERTY AT 1720 S. BLUFF ROAD, 1633 WASHINGTON BOULEVARD, AND 1915 W. WHITTIER BOULEVARD**

**RECOMMENDATION: It is recommended that the City Council:**

1. Waive second reading and adopt Ordinance No. 2454 approving a Development Agreement (DA 02-22) by and between the City of Montebello and Clear Channel Outdoor, LLC for the property located at 1720 S. Bluff Road (Attachment A), and find the project is exempt pursuant to Sections 15061(b)(3) ("Common Sense Exemption") and 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines; and
2. Waive second reading and adopt Ordinance No. 2455 approving a Development Agreement (DA 03-22) by and between the City of Montebello and Clear Channel Outdoor, LLC for the property located at 1633 Washington Blvd. (Attachment B), and find the project is exempt pursuant to Sections 15061(b)(3) ("Common Sense Exemption") and 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines; and
3. Waive second reading and adopt Ordinance No. 2456 approving a Development Agreement (DA 04-22) by and between the City of Montebello and Clear Channel Outdoor, LLC for the property located at 1915 W. Whittier Blvd. (Attachment C), and find the project is exempt pursuant to Sections 15061(b)(3) ("Common Sense Exemption") and 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines; and
4. Take such additional, related action that may be desirable.

*Councilmembers Torres and Peralta pulled this item for discussion. Councilmember Torres stated his opposition to approving Ordinance 2456 which would be near a residential area. Furthermore, Councilmember Torres suggested directing staff to conduct a study to determine the locations where the electronics could be installed in the future.*

*Councilmember Torres motioned to approve Ordinance No's. 2454 and 2455, and conduct a study to determine a new location stated in Ordinance No. 2456.*

*Councilmember Melendez asked if approving only two of the Ordinances would affect the contractual obligation with Clear Channel Outdoor, LLC. City Manager Bobadilla stated that it would affect the contractual obligation. Councilmember Peralta seconded the motion and supported Councilmember Torres' comments. Councilmember Melendez suggested making a substitute motion to adopt Ordinance No's. 2454 and 2455 and tabling the discussion related to Ordinance No. 2456 to allow for further discussion. City Manager Bobadilla asked if Clear Channel Outdoor LLC representative, Mr. Lawson, could have an opportunity to comment prior to a vote being taken. Mr. Lawson commented that he understands the location is in question but there is an existing sign in that location and the new sign would improve the technology directing the lights to streets rather than various locations. Furthermore, Mr. Lawson encouraged that all three Ordinances pass and he would work with the Council on solutions for the location in question. Councilmember Melendez clarified his substitute motion and stated it was to table the item in its entirety at a future meeting; the motion was seconded by Councilmember Torres. Clear Channel stated that if there was a continuation of this item, that he respectfully asked the item not be brought for further consideration, and considered approving the item and working with the City Council to address areas of concern.*

*After further discussion, Councilmember Melendez amended his substitute motion to pass Ordinance No's. 2454, 2455 and bring back Ordinance No. 2456 for a Second Reading and consideration of adoption at a future meeting. To avoid confusion, Councilmember Melendez withdrew his substitute motion.*

*Director Palombi stated that the signs could be monitored. This would include mitigating the impact of the signs and revisiting the matter if it becomes an issue. Mr. Lawson explained that a baseline would be established and an Illumination Engineer would put together a report to take the current readings now versus when the new board is installed. A new report will be conducted and the boards are continuously monitored; a light sensor is on the board that automatically updates remotely. With that understanding, Councilmember Torres withdrew his original motion and motioned to approve Ordinance 2454 and 2455 unconditionally and Ordinance No. 2456 with the conditions discussed; the motion was seconded by Mayor Pro Tem Jimenez and approved unanimously.*

- 10. ADOPT CITY COUNCIL RESOLUTION NO. 22-90/SUCCESSOR AGENCY RESOLUTION NO. 22-04 APPROVING THE PURCHASE AND SALE AGREEMENT FOR THE PROPOSED DISPOSITION OF REAL PROPERTY LOCATED AT 701-705 W. WHITTIER BOULEVARD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT ON BEHALF OF THE CITY OF MONTEBELLO**

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**RECOMMENDATION:** It is recommended that the City Council/Successor Agency to the former Community Redevelopment Agency of the City of Montebello adopt City Council Resolution No. 22-90/Successor Agency Resolution No. 22-04:

1. Finding that the sale of the Property is exempt under CEQA pursuant to CEQA Guidelines Section 15312 – Class 12 Categorical Exemption relating to the sale of surplus government property and CEQA Guidelines Section 15060(c)(3) because the sale does not have the potential for creating a significant effect on the environment and therefore it is not a project as defined by the CEQA Guidelines Section 15378; and
2. Approving the Successor Agency's disposition of the real property located at 701-705 W. Whittier Boulevard in the City of Montebello, California identified as Los Angeles County Assessor's Parcel No. 6349-007-917 for \$500,000; and
3. Approving the form and material terms of the Purchase and Sale Agreement No. 4049, and authorize the Executive Director (i.e. City Manager) and Agency Counsel (i.e. City Attorney) to finalize negotiations and the agreement (provided that no material changes to the purchase price or property are made); and
4. Authorize the Executive Director to execute the final Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Montebello and SAM Entertainment Group LLC, and any related documents necessary to reasonably complete the proposed disposition in accordance with the final agreement; and
5. Adopt City Council Resolution No. 22-90/Successor Agency Resolution No. 22-04 to Declare the Property "Surplus" and Certify Compliance with the Surplus Land Act.
6. Take such additional, related action that may be necessary to implement the approved transaction.

*Approved unanimously.*

**11. NOTICE OF COMPLETION - CP NO. 881, VARIOUS STREETS IMPROVEMENT PROJECT**

**RECOMMENDATION:** It is recommended that the City Council:

1. Accept the Various Streets Improvement Project (CP No. 881), as completed by Sequel Contractors, Inc.; and
2. Approve the final contract amount with Sequel Contractors, Inc. for the construction of the Project in the amount of \$898,308, including change orders; and
3. Authorize the City Clerk to execute, verify and file the Notice of Completion (Attachment A) with the Los Angeles County Registrar-Recorder; and
4. Authorize the City Manager to release the retention payment due to Sequel Contractors, Inc. following the mandatory waiting period from the date the Notice of Completion is recorded; and
5. Approve the Final Total Project Budget (Attachment B); and
6. Take such additional, related, action that may be desirable.

*Approved unanimously.*

**12. AUTHORIZATION OF FINAL INVOICE PAYMENT FOR AGREEMENT NOS. 3504 AND 3066 - INFRASTRUCTURE ENGINEERS**

**RECOMMENDATION:** It is recommended that the City Council:

1. Authorize payment of final invoices for Agreement Nos. 3504 and 3066 with Infrastructure Engineers in the aggregate amount of \$208,654; and
2. Reaffirm the termination of Agreement Nos. 3504 and 3066 with Infrastructure Engineers; and
3. Take such additional, related, action that may be desirable.

*Approved unanimously.*

**13. APPROVAL OF AGREEMENT NO. 4047 WITH KTU&A (DBA KTUA) FOR THE RIO HONDO RIVER ACCESS IMPROVEMENT PROJECT DESIGN SERVICES**

**RECOMMENDATION: It is recommended that the City Council:**

1. Approve Agreement No. 4047 with KTU&A (dba "KTUA") for design and architectural services for the Rio Hondo River Access Improvement Project (RH Project); and
2. Find and determine that the Rio Hondo Project is exempt from CEQA pursuant to Categorical Exemption Section 15301 (Class – 1, Existing Facilities) and Section 15311 (Class – 11, Accessory Structures) of the CEQA Guidelines; and
3. Authorize the City Manager to execute the Agreement on behalf of the City; and
4. Amend the Fiscal Year 2022-23 budget by increasing expenditure and revenue appropriations by \$477,750 in Measure A – Parks Fund 221 (Account No. 221-99-6040.96, (Measure A Local, Other Contract Services - Engineering Design Services) and 221-99-3630.60 (Measure A Local, Special Revenue Measure A Local); and
5. Take such additional, related action that may be desirable.

*Councilmember Torres asked if it would be best to proceed with an RFP for this item. Director Sosnowski provided clarification that there was no interest from any of the consultants on the bench and KTUA assisted with the initial process; therefore, is best suited for the project. Councilmember Torres motioned to approve this item as recommended by staff; the motion was seconded by Councilmember Peralta and approved unanimously.*

**14. AUTHORIZE THE CITY MANAGER TO APPROVE A LEASE AGREEMENT WITH E-Z-GO DIVISION, OF TEXTRON INCORPORATED, FOR FORTY-SIX (46) ELECTRIC GOLF CARTS****RECOMMENDATION: It is recommended that the City Council:**

1. Approve a five-year lease agreement for electric golf carts with E-Z-GO Division of Textron Inc. for use at the Montebello Golf Course (Golf Course); and
2. Authorize the City Manager to execute the lease agreement on behalf of the City; and
3. Take such additional, related action that may be desirable.

*Approved unanimously.*

**15. AWARD A PROFESSIONAL SERVICES AGREEMENT, NO. 4040, TO UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL SECURITY SERVICES, FOR THE UNARMED TRANSIT SECURITY GUARD SERVICES REQUEST FOR PROPOSAL NO. 22-7****RECOMMENDATION: It is recommended that the City Council:**

1. Award a Professional Services Agreement, No. 40-40 to Universal Protection Service, LP dba Allied Universal Security Services, for a three-year (3-year) term with the option for renewal of up to two (2) additional one-year (1-year) terms, for a total not-to-exceed amount of Two Million, Seven Hundred and Nine Thousand, Two-Hundred and Thirty-Nine Dollars (\$2,709,239) over the three-year term; and
2. Authorize the City Manager to take actions necessary to execute and finalize an agreement on behalf of the City of Montebello; and
3. Take such additional, related action that may be desirable.

*Approved unanimously.*

**16. APPROVAL TO PROVIDE RECRUITMENT INCENTIVES TO QUALIFIED FIREFIGHTERS/PARAMEDICS****RECOMMENDATION: It is recommended that the City Council:**

1. Approve a Lateral Bonus Recruitment Incentive Program to provide recruitment incentives for qualified Firefighter/Paramedics and referral bonuses to current employees; and

2. Take such additional, and related action that may be desirable.

*Mayor Cobos-Cawthorne pulled this to express her support and made a motion to approve the item as recommended by Staff; the motion was seconded by Councilmember Peralta and passed unanimously.*

**17. APPROVAL TO SUBMIT GRANT APPLICATION TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS, PROPOSITION 64 PUBLIC HEALTH AND SAFETY GRANT PROGRAM**

**RECOMMENDATION: It is recommended that the City Council:**

1. Approve the submission of the grant application for the Board of State and Community Corrections (BSCC), Proposition 64 Public Health and Safety Grant Program; and
2. Take such additional, related action that may be desirable.

*Approved unanimously.*

**18. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT NO. 4039 WITH KIM TURNER, LLC FOR POLICE COMMUNICATIONS CONSULTING SERVICES**

**RECOMMENDATION: It is recommended that the City Council:**

1. Approve the attached Professional Services Agreement No. 4039 with Kim Turner, LLC in an amount not to exceed \$59,378; and
2. Take any additional actions necessary to effectuate the procurement of services.

*Councilmember Torres pulled this item for discussion but waived his comments and made a motion to approve the item as recommended by staff, seconded by Councilmember Peralta; the motion was approved unanimously.*

**19. ADOPT RESOLUTION NO. 22- 86 AMENDING THE MASTER FEE SCHEDULE AND ESTABLISHING CONCEALED WEAPONS PERMIT (CCW) APPLICATION FEES**

**RECOMMENDATION: It is recommended that the City Council:**

1. Adopt Resolution No. 22-86, Amending the Master Fee Schedule establishing Concealed Weapons Permit (CCW) Application Fees; and
2. Take such additional, related action that may be desirable.

*Approved unanimously.*

**20. APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT NO. 3957 WITH 789, INC. TO RETAIN PROFESSIONAL SERVICES FOR CITYWIDE BRANDING NEEDS.**

**RECOMMENDATION: It is recommended that the City Council:**

1. Approve Amendment No. 1 to Agreement No. 3957, between the City of Montebello and 789 ,Inc. for ongoing professional graphics design and support for Citywide branding services; and
2. Authorize the City Manager and/or his designee to execute Amendment No. 1 with 789, Inc. on behalf of the City; and
3. Take such additional, related action that may be desirable.

*Councilmember Torres pulled this item for discussion and made a statement in opposition to bringing this forward for an increase. He also asked a clarifying question about the discrepancy with the expiration date stated in the amendment. Director Chee stated that the correct date would be to extend the term to June of 2023, which is when the current scope of work should be completed. Councilmember Torres asked if it would be appropriate to update the Amendment with that*

correction; Director Chee agreed to do so.

It was motioned by Councilmember Torres, seconded by Mayor Prop Tem Jimenez to approve the item with that change; the motion was approved unanimously.

**21. APPROVAL OF AGREEMENT NO. 4048 - LS-1 OPTION E AGREEMENT WITH SOUTHERN CALIFORNIA EDISON TO REPLACE HIGH PRESSURE SODIUM VAPOR STREET LIGHTS WITH LIGHT-EMITTING DIODE STREET LIGHTS**

**RECOMMENDATION:** It is recommended that the City Council:

1. Approve an LS-1 Option E authorization with Southern California Edison (SCE) to replace high pressure sodium vapor (HPSV) street lights with light-emitting diode (LED) street lights, and find the project is exempt pursuant to Sections 15061(b)(3) ("Common Sense Exemption") and 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines; and
2. Authorize the City Manager or his designee to sign the authorization agreement; and
3. Take all necessary, additional actions as necessary.

Approved unanimously.

**22. TREASURER'S REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2022**

**RECOMMENDATION:** It is recommended that the City Council:

1. Receive and file the Quarterly Treasurer's Report for the quarter ending September 30, 2022.

Approved unanimously.

**23. AUTHORIZATION TO APPROVE ADDITIONAL PURCHASES FROM THE SAUCE CREATIVE SERVICES CORPORATION FOR FISCAL YEAR 2022-23**

**RECOMMENDATION:** It is recommended that the City Council:

1. Approve an additional \$100,000 for community promotions, general printing, and graphic design services from The Sauce Creative Services Corporation (The Sauce); and
2. Take any additional actions necessary to effectuate the procurement of services.

Councilmember Torres inadvertently pulled this item and motioned to approve as recommended by staff; seconded by Councilmember Melendez and approved unanimously.

**24. PAYMENT OF BILLS: ADOPT RESOLUTION NO. 22-89 APPROVING THE CITY WARRANT REGISTER OF DEMANDS NOVEMBER 16, 2022**

**RECOMMENDATION:** It is recommended that the City Council:

1. Adopt Resolution No. 22-89 approving the Warrant Register dated November 16, 2022.

Approved unanimously.

**25. APPROVAL OF CITY COUNCIL MINUTES – AUGUST 24, 2022 SPECIAL CITY COUNCIL MEETING; AUGUST 24, 2022 CITY COUNCIL MEETING; SEPTEMBER 14, 2022 JOINT CITY COUNCIL AND PUBLIC FINANCING AUTHORITY MEETING; SEPTEMBER 28, 2022 JOINT CITY COUNCIL AND PUBLIC FINANCING AUTHORITY; OCTOBER 12, 2022 JOINT CITY COUNCIL AND PUBLIC FINANCING AUTHORITY AND; AND OCTOBER 26, 2022 JOINT CITY COUNCIL AND PUBLIC FINANCING AUTHORITY**

**RECOMMENDATION:** It is recommended that the City Council:

1. Approve said minutes as written.

*Approved unanimously.*

**26. AMENDMENT OF AGREEMENTS RELATED TO QUIET CANNON MANAGEMENT AND ASSOCIATED BUSINESS ENTITIES**

**RECOMMENDATION:** It is recommended that the City Council and Public Financing Authority:

1. Approve the amended Agreements related to the Quiet Cannon Management (QMC) and associated business entities related to the Golf Course Improvements in substantially the form as presented; and
2. Take such additional, related, action that may be desirable.

*Approved unanimously.*

**AB 1234 TRAVEL REPORTS**

Members of the City Council will provide a brief report on meetings attended at the expense of the local agency as required by Government Code Section 53232.3(d).

*Nothing to support.*

**COUNCIL ORALS**

Council member announcements; requests for future agenda items; conference/meetings reports.

- **Kimberly A. Cobos-Cawthorne, Mayor**

*No Council Orals*

- **Angie M. Jimenez, Mayor Pro Tem**

*No Council Orals.*

- **David N. Torres, Councilmember**

*No Council Orals.*

- **Scarlet Peralta, Councilmember**

*No Council Orals.*

- **Salvador Melendez, Councilmember**

*No Council Orals.*

**ADJOURNMENT**The City of Montebello will adjourn to the next **Regular Meeting on December 14, 2022 at 5:00 p.m.** which can be live streamed at [www.cityofmontebellocal.com](http://www.cityofmontebellocal.com) (Click on Live Stream).

I, Alicia Fernandez, Senior Deputy City Clerk for the City of Montebello hereby certify that a copy of this agenda has been posted on or before **Sunday, November 13, 2022 5:00 p.m.**



Alicia Fernandez, Senior Deputy City Clerk

*Mayor Cobos-Cawthorne adjourned in the memory of Mr. Phillip Joseph Pace. Councilmember Torres motioned, seconded by Mayor Cobos-Cawthorne to adjourn the meeting at 8:15 p.m.*

**THE MINUTES OF NOVEMBER 16, 2022 ARE HEREBY APPROVED AND ADOPTED ON THIS 8TH DAY OF FEBRUARY 2023.**

# **PUBLIC COMMENTS 11/16/2022**

## **Guillen, Kimberly (Admin)**

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**From:** Malou Reyes <malou@mitchtsailaw.com>  
**Sent:** Wednesday, November 16, 2022 12:51 PM  
**To:** comment, ccpublic  
**Cc:** Cobos-Cawthorne, Kimberly Ann; Jimenez, Angie; Peralta, Scarlet; Melendez, Salvador; Torres, David; Bobadilla, Rene; Jason Cohen; Mitchell M. Tsai Attorney at Law, P.C.  
**Subject:** [External Email] City Council Meeting 11/16/22 - Comment Letter  
**Attachments:** 20221116\_Torres\_Montebello\_DigitalSignageCmntLtr\_Signed.pdf

Good afternoon,

Our office would like to submit the attached comment letter for tonight's City Council meeting.

Please confirm receipt of this email.

Thank you,  
Malou

--

### **Malou Reyes**

Paralegal  
Mitchell M. Tsai, Attorney At Law  
139 South Hudson Avenue Suite 200  
Pasadena, CA 91101  
Phone: (626) 314-3821  
Fax: (626) 389-5414  
Email: [Malou@mitchtsailaw.com](mailto:Malou@mitchtsailaw.com)  
Website: <http://www.mitchtsailaw.com>

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Pasadena, California 91101

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**VIA E-MAIL**

November 16, 2022

Montebello City Council  
City of Montebello  
1600 West Beverly Boulevard  
Montebello, California  
Em: [ccpubliccomment@cityofmontebello.com](mailto:ccpubliccomment@cityofmontebello.com)

RE: Comment on the City of Montebello's Second Reading and Adoption of Ordinances 2454, 2455, 2456 and Approving Development Agreements DA02-22, 03-22, and 04-22 (November 16, 2022 City Council Meeting, Agenda Item 9)

Dear Mayor Cabos-Cawthorne and Honorable Members of the City Council:

On behalf of our client, a concerned Montebello citizen, my office is submitting these comments for the City of Montebello's (the "**City**") November 16, 2022, City Council meeting for the adoption of ordinances 2454, 2455, 2456 and approving the development agreements DA02-22, 03-22, and 04-22 concerning the off-premises digital display signs (the "**Project**").

**I. Background.**

The applicant Clear Channel Outdoor, LLC ("**CCO**"), the operator of 24 existing poster panel outdoor advertising signs along streets within the City intends to replace some of its static signs with digital face signs, and on September 28, 2022 filed a request with the City to enter three separate development agreements to that effect.

On October 18, 2022 the City's planning commission (the "**Planning Commission**") held a hearing where they unanimously recommended that the City's city council (the "**City Council**") approve the development agreements.

The Project is now before City Council, who will decide whether to approve the development agreements allowing for the digital signage replacements. It was only recently that our client became aware of the unlawful actions taken by the Planning Commission, hence the timing of this letter.

Specifically, the replacement of these signs is in violation of the very codes that the Project relies on, and as such the City Council should deny approval of the development agreements and the Project.

## II. The Project Is in Violation of All the Relevant Ordinances Concerning the Project.

The municipal codes at issue do not offer the foundation upon which the City and CCO base implementation of the Project. Montebello Municipal Code (“MMC”) sections 17.62.105(B)(1) and (2) requires digital signs to be within 200 feet of the I-5 Freeway and 600 feet of the 60 Freeway. The signs are located at 1720 S. Bluff Road, 1633 Washington Boulevard, and 1915 W. Whittier Boulevard. As indicated below<sup>1</sup>, estimated distances between these locations and the I-5 and 60 Freeways is far in excess of the statutory limits set by the municipal code.

### 1915 W. Whittier Boulevard Estimated Distances to the I-5 and 60 Freeways:

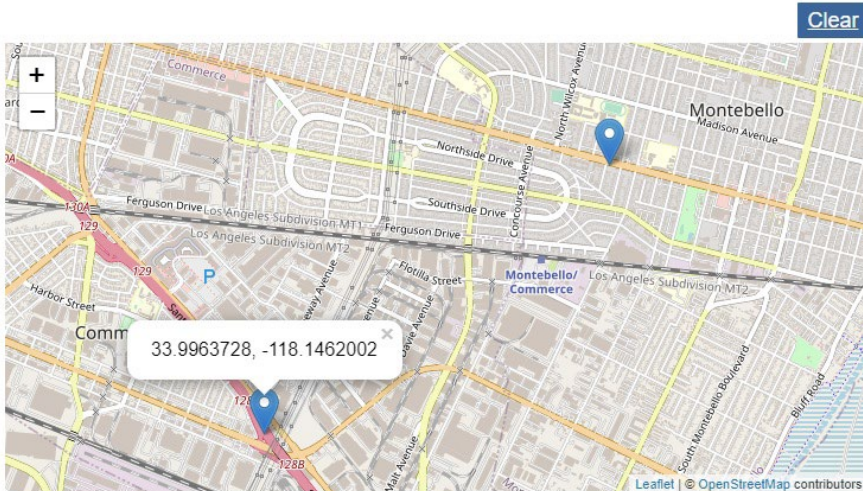
#### Distance on Map

Click the map below to set two points on the map and find the shortest distance (great circle/air distance) between them. Once created, the marker(s) can be repositioned by clicking and holding, then dragging them.

#### Result

The distance between [34.0125190, -118.1212610] and [33.9963728, -118.1462002] is:

**2.92 km or 1.81 miles**



#### Distance in a coordinate system

<sup>1</sup> The distances were estimated using google maps and calculator.net:  
<https://www.calculator.net/distance-calculator.html>.

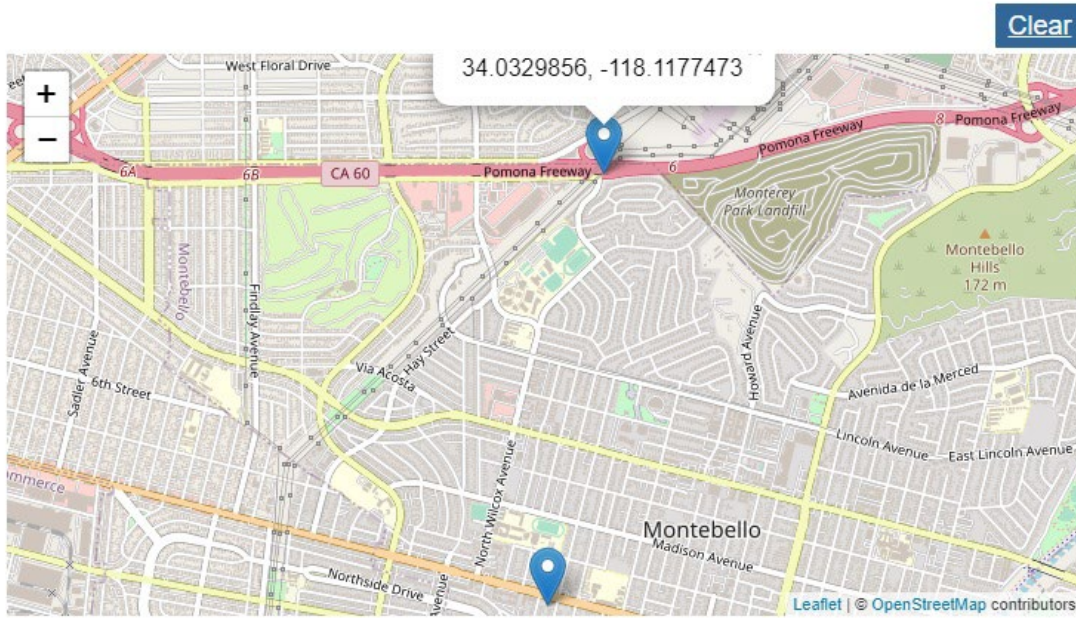
## Distance on Map

Click the map below to set two points on the map and find the shortest distance (great circle/air distance) between them. Once created, the marker(s) can be repositioned by clicking and holding, then dragging them.

### Result

The distance between [34.0122133, -118.1210089] and [34.0329856, -118.1177473] is:

**2.32 km or 1.44 miles**



## Distance in a coordinate system

### 1633 E. Washington Estimated Distances to the I-5 and 60 Freeways:

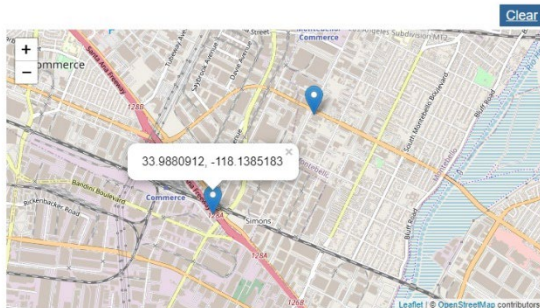
#### Distance on Map

Click the map below to set two points on the map and find the shortest distance (great circle/air distance) between them. Once created, the marker(s) can be repositioned by clicking and holding, then dragging them.

#### Result

The distance between [33.9976604, -118.1267273] and [33.9880912, -118.1385183] is:

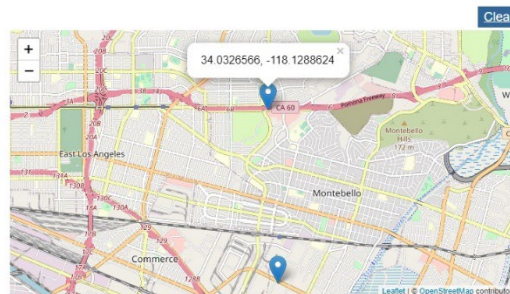
**1.52 km or 0.95 miles**



#### Result

The distance between [33.9975069, -118.1265235] and [34.0326566, -118.1288624] is:

**3.90 km or 2.43 miles**



#### Distance in a coordinate system

##### Distance in a 2D coordinate plane:

The distance between two points on a 2D coordinate plane can be found using the following distance formula

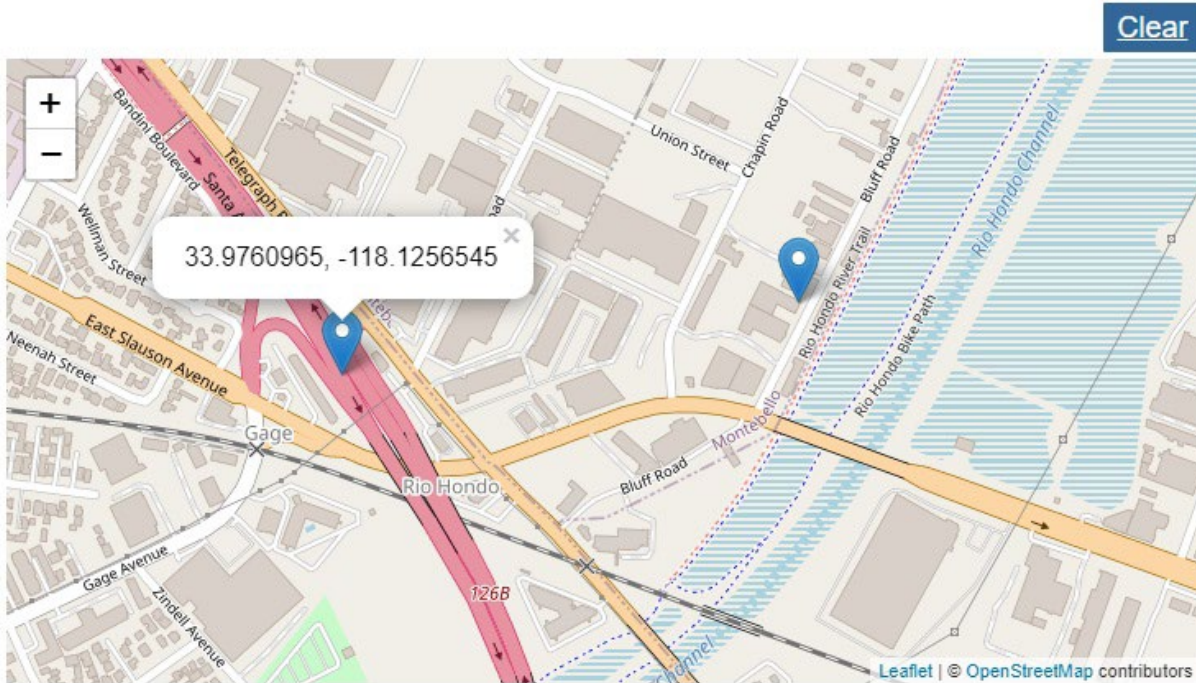
1720 S. Bluff Road to the I-5 and 60 Freeways:

Even the location with one of the closest proximities (1720 to the I-5 is an estimated .34 miles away, or 1800 feet from the I-5) is still 1600 feet beyond the allotted distance under the MMC.

**Result**

The distance between [33.9768761, -118.1196731] and [33.9760965, -118.1256545] is:

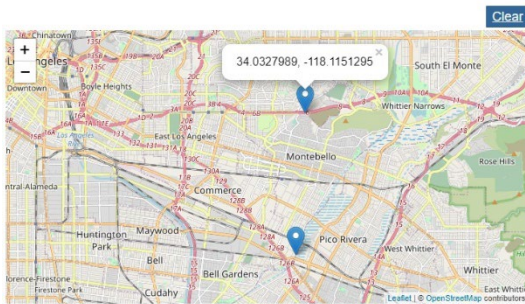
**0.5595 km or 0.3476 mile**



**Result**

The distance between [33.9767193, -118.1196463] and [34.0327989, -118.1151295] is:

**6.23 km or 3.87 miles**



It is clear that every location violates MMC § 17.62.105(B) for the type of signage being proposed.

Furthermore, MMC § 17.62.105(E)(10) also precludes digital signs to exist within 200 feet of a residential zoned property. The 1915 W. Whittier Boulevard may qualify here, as there are single-family residences to the south, east, and north, and potentially adjacent to the residential properties to the south. A google maps estimate places the nearest single-family residence approximately 100 feet of the digital sign proposed at 1915 W. Whittier Boulevard, and therefore in violation of MMC § 17.62.105(E)(10). Despite this, the City made no mention of this code section or proper analysis of this property's potential violation of it. The City has a duty to investigate and determine compliance with this code section before approving or recommending for approval the development agreements and the Project.

Additionally, each ordinance also cites to incorrect codes in its recitals, and specifically government code sections 5200, 5412, and 5443.5. There are no such government code sections, but presumably the City and CCO intended to reference the Business and Professions Code sections. However, it is unclear if this was in error or which code section the ordinance is really referencing. With this outstanding ambiguity, City Council should not approve these ordinances until it is resolved.

### **III. The City is Abusing Its Police Power if It Approves the Project.**

The City is obligated to fully assess all considerations and potential violations of the law, which it has failed to do not only with the MMC governing proximate distances to the I-5 and 60, but also the potential proximity to residential zones. The City has either willfully or inadvertently omitted all of the above considerations, violations, and potential violations of the MMC. Whether willful or not, the Planning Commission has inappropriately and unlawfully recommended for approval ordinances that are in violation of local laws.

Beyond that, the City has also occluded from the public its justifications for approving the digital signs. Specifically, all of the proposed ordinances contain language that approval of the development agreements for the Project utilize the California Constitution's police power (see ordinances recitals paragraph 6 and Section 3). This law states that "a county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." California Constitution Article XI, § 7. However no agenda item or discussion

made mention of the City’s use of its police power, why it is being used, how the very use of this law is not in conflict with its own language (not in conflict with general laws) and how it violates MMC §§ 17.62.105(B) and (E) being consistent with the public’s health, safety, or general welfare. More specifically, how a digital sign being near several residential zones would be a “relocation and distribution of existing displays to more appropriate locations within the City” or how a 1:1 replacement would be consistent with “an overall reduction in the number of outdoor advertising signs in the City as part of the City’s planned development.”

This is also in violation of California Government Code (“CGC”) section 54954.2(a)(3), also known as the Brown Act. This section prohibits any action or discussion be undertaken on any item not appearing on the posted agenda, and here the agenda did not disclose the pertinent item of the California Constitution police powers embedded in the ordinance being used to supersede the existing ordinances, or an explanation or justification of that law for this purpose.

Furthermore, the introduction of these ordinances would result in a conflict of laws, because as already illustrated the new ordinances, if enacted, would conflict with current MMC §§ 17.62.105(B)(1) and (2). This imposes on any local agency tasked with enforcing either ordinance to violate the conflicting ordinance and its obligations under CGC § 53091 requiring local agencies to “comply with *all* applicable building ordinances of the county or city in which the territory of the local agency is situated. [emphasis added.]” Relevant agencies cannot be expected to comply with two conflicting ordinances and still maintain their duty under CGC § 53091. Egregiously, the proposed ordinances claim to be consistent with the City’s General Plan and the Municipal Code (see Recital 6 and Section 3 pp. 55-56) when they are anything but.

The approval of these ordinances would also conflict with MMC § 17.62.105(E)(2) concerning permitting, which also requires the signage to comply with the I-5 and 60 freeway proximity requirements. None of the requisite language is contained in the development agreements, and should be.

The lack of transparency, multitudinous incongruencies, and conflict of laws is, if anything, closer to a clandestine abuse of the City’s police power rather than a lawful and good-faith exercise of it to shoehorn unlawful development without properly informing the public of its intentions and strategies for approving projects such as this one.

#### **IV. Conclusion.**

In sum, our office requests on behalf of a concerned Montebello citizen that the City Council reject the Project in light of the multiple violations of the Project's Montebello Municipal Code, state law, and its inappropriate and surreptitious abuse of its police power to force this Project through the approval process.

If the City has any questions or concerns please do not hesitate to contact my office.

Sincerely,



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Jason A. Cohen, Esq.  
Mitchell M. Tsai, Attorney at Law  
Attorneys for a Concerned Montebello Citizen

cc:

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November 16, 2022

## VIA EMAIL

Montebello City Council  
City of Montebello  
1600 W. Beverly Boulevard  
Montebello, California 90640  
Email: [ccpubliccomment@cityofmontebello.com](mailto:ccpubliccomment@cityofmontebello.com)

Re: Montebello Sign Reduction Program (Ordinances 2454, 2455, 2456 and Approving Development Agreements DA02-22, 03-22, and 04-22)

Dear Honorable Mayor and Honorable City Councilmembers:

We write to respond to the letter submitted this afternoon on behalf on an unnamed Montebello resident objecting to the sign reduction program being implemented by our client, Clear Channel Outdoor, and the City of Montebello through the three development agreements referenced above.

As stated in the prior staff reports on these matters and explained by the City Director of Planning & Community Development at the October 26, 2022, City Council Meeting, the proposed development agreements fully comply with state law and the City's Municipal Code.

Business and Professions Code section 5412 specifically empowers the City to "enter into relocation agreements on whatever terms are agreeable to the display owner and the city...and to adopt ordinances or resolutions providing for relocation of displays." The City has done just that through the adoption of section 17.62.105.A, which specifically incorporates section 5412 and also section 17.62.105.C.2 that allows for relocations in place upon the City Council's approval of development agreements by way of ordinance. Further, to the extent there is any inconsistency with the existing Municipal Code, which there is not, the City is fully empowered to supersede such ordinances through the adoption of subsequent ordinances, which these development agreements are. (*See Blotter v. Farrell* (1954) 42 Cal.2d 804, 811.)

Thank you very much for your attention to this matter.

Very truly yours,

/s/ Benjamin Hanelin  
Benjamin J. Hanelin  
of LATHAM & WATKINS LLP

LATHAM & WATKINS<sup>LLP</sup>

cc: Mr. Joseph Palombi ([JPalombi@cityofmontebello.com](mailto:JPalombi@cityofmontebello.com))

October 26, 2022

Good evening Mayor and Council;

Upon reviewing candidate 460's I saw David Torres had 2 donations of \$5,000.00 each from his parents for total of \$10,000.00 was that from the \$353,000.00 missing HUD Money?

The City should run a property profile on the 3 house former city administrator purchased on the same street Park Ave. He transferred ownership to his children, so you Mr. Torres never purchased a home in Montebello. Were those 3 homes purchased with HUD affordable housing grant money? Would that not be a huge conflict of interest? Where is your so called transparency on that money Mr. Torres?

I was not on your list to get that ridiculous booklet you wrote filled with lies, such as Attachment C 10/27/2021 Council meeting when you were removed from Pro Tem position. You wrote it was because you posted the audit, but moron it was not released till October 2022 not 2021, last year Opps you lied. FYI you were fired from your paralegal job in the LA City Attorney's office for Sexual Harassment and Stalking, so stop trying to make these pages of lies seem like a legal document.

As for Zoe McKinney Staff Attorney with the ACLU doesn't she have ties to you Mr. Torres? Her letter to the City of Montebello is currently under investigation.

Attach G 6/22/2021 and 5/31/2022 is bogus it's ridiculous, if you had your way the City could not buy a pencil without your approval.

Attachment H 8/10/2022 with all th attacks and medicals issues you have caused over 17 employees, they should have all total medical services covered. Dealing with your hostile demands, they deserve a paid vacation away from you. David Torres you are TOXIC.

In closing once the lawsuits are made public and the Taxpayer realize what you have done and the hundreds of thousands of our money you are going to

cost the residents I gurantee you will never be re-elected in 2 years. When all you had to do was say you were sorry, but you're too arrogant to take responsibility for your actions.

Rafael Gutierrez will win your District and soon our city will be rid of you. Too bad the Mayor trusted you, she should have left you the loser when you ran the first time without her support, a Loser!

Mariann Ochoa  
Montebello Resident



# SPEAKER CARD

**Please Note:** Address and phone number are optional and not required to speak.

Public Comment/Speaker Card must be submitted to City Clerk's Office prior to 5:00 p.m. for live meetings or in accordance with Assembly Bill 361 for video/audio meetings.

**Type of Comment:** Closed Session  Non-Agenda Item  **AGENDA ITEM NO.** \_\_\_\_\_

**Meeting Date:** 11/16/22 **Time Received:** 5:00pm **Date Received:** 11/16

**SPEAKER'S FULL NAME:** LEVAN PROTARO **PHONE:** 323-621-8525  
(Optional)

**ADDRESS:** 845 50th St MONTEBELLO  
(Optional)

**ORGANIZATION REPRESENTED:** [Signature]

Opposed  In Support  Neutral  **TOPIC:** \_\_\_\_\_

**NOTES:** about tentatively Bills being made at 849 50th

**ACCOMMODATIONS:** (not the only place)

**Translation Needed:** No  Yes  Language: \_\_\_\_\_

**Received by Staff** \_\_\_\_\_ **Received Via:** Email  Phone  In Person



# SPEAKER CARD

**Please Note:** Address and phone number are optional and not required to speak.

Public Comment/Speaker Card must be submitted to City Clerk's Office prior to 5:00 p.m. for live meetings or in accordance with Assembly Bill 361 for video/audio meetings.

**Type of Comment:**

Closed Session

Non-Agenda Item

**AGENDA ITEM NO.** \_\_\_\_\_

**Meeting Date:**

11-16-22

**Time Received:**

5:24 pm

**Date Received:**

11-16-22

**SPEAKER'S FULL NAME:**

ANNA Jurado

**PHONE:** \_\_\_\_\_

(Optional)

**ADDRESS:** \_\_\_\_\_

(Optional)

**ORGANIZATION REPRESENTED:** \_\_\_\_\_

Opposed

In Support

Neutral

**TOPIC:** \_\_\_\_\_

**NOTES:** \_\_\_\_\_

**ACCOMMODATIONS:** \_\_\_\_\_

**Translation Needed:**

No

Yes

Language: \_\_\_\_\_

**Received by Staff** \_\_\_\_\_

**Received Via:**

Email

Phone

In Person