



CITY OF MONTEBELLO REGULAR MEETING

MINUTES

WEDNESDAY, JUNE 14, 2023 AT 6:00 PM

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

OPENING CEREMONIES

CALL TO ORDER - 6:00 P.M.

Mayor Torres called the meeting to order at 6:01 p.m.

ROLL CALL

Members present were Mayor Torres, Mayor Pro Tem Peralta, Councilmember Jimenez, Councilmember Melendez, and Councilmember Tamayo. City Clerk Jimenez and Treasurer Matanga were also present.

City Attorney Arnold Alvarez-Glasman, Assistant City Manager Arlene Salazar, Acting Sr. Deputy City Clerk Kimberly Guillen, Records Coordinator Angelina Padilla, and all Department Directors were present.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, the public may submit a speaker card to the City Clerk staff for Closed Session items, prior to the beginning of this statement. Speakers will be called in the order received. 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 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 and City Council.

CLOSED SESSION

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

Mayor Torres recessed the meeting into Closed Session at 6:02 p.m. to consider the following Closed Session items:

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
 - a. Government Code Section 54956.9(d)(1)

NASA Services, Inc., et al. vs. City of Montebello, et al.
LASC Case No. 21STCP01969

- b. Government Code Section 54956.9(d)(1)
Zenzhiryan vs. City of Montebello, et al.
LASC Case No. 21STCV18690
- c. Government Code Section 54956.9(d)(1)
Ferrari vs. City of Montebello, et al.
LASC Case No. BC 719730
- d. Government Code Section 54956.9(d)(1)
Beverly Community Hospital Association Bankruptcy Matter
U.S. Bankruptcy Court Central District of California (Los Angeles)
Bankruptcy Petition #: 2:23-bk-12359-SK
- e. Government Code Section 54956.9(d)(1)
John Doe vs. City of Montebello, et al.
Los Angeles County Superior Court Case No. 22STP03976

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- a. Government Code Section 54956.9(d)(2)
BBK Working Group Confidential Agreement related to the BBK Class I Landfill Cost Recovery Efforts
(one matter)
- b. Government Code Section 54956.9(d)(2)
One matter related to the Brownfield Overlay District

3. PUBLIC EMPLOYEE APPOINTMENT

Government Code Section 54957
Position: City Manager/Interim City Manager/Acting City Manager

REGULAR SESSION - IMMEDIATELY FOLLOWING CLOSED SESSION

CLOSED SESSION REPORT

Mayor Torres reconvened the meeting at 7:11 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: Item No. 1a, City Council received a briefing on the favorable ruling, no action required to be taken, nothing further to report. Item No. 1b and 1c City Council received a briefing from the Risk Management department and provided direction, nothing further to report. Item 1d, the City Council received an update, no action was taken, direction was provided to City Attorney's office and staff, nothing further to report. Item 1e, the City Council received a briefing and the Council provided direction to reject the proposed settlement and move forward with the litigation; nothing further to report. Item 2a, the City Council received a briefing and provided direction to the City Attorney's office and authorization to execute a confidentiality agreement. Item 2b, the City Council received a briefing, the rescission of notice of abatement was further authorized and will be sent out to property and business owners. Item No. 3, City Council received a briefing on various potential recruitment firms and after consideration, the City Council directed the City Attorneys office to enter into a Professional Services Agreement with Ralph Andersen & Associates.

INVOCATION

City Clerk Jimenez led the City Council in the Invocation.

PLEDGE OF ALLEGIANCE

City Treasurer Matanga led the City Council in the Pledge of Allegiance.

CORRECTIONS TO THE AGENDA - ASSISTANT CITY MANAGER

No corrections to the agenda, per Assistant City Manager Salazar.

Mayor Torres motioned to add to a Council Oral to support the nurses union at Beverly Hospital, seconded by Mayor Pro Tem Peralta; the motion was approved unanimously.

CEREMONIAL ITEMS/PRESENTATIONS

4. CITIZEN OF THE MONTH - ELIZABETH PACHECO

Presented by Mayor Torres.

5. LGBTQIA+ PRIDE MONTH

Presented by Mayor Torres.

6. JUNETEENTH - FREEDOM DAY

Presented by Mayor Torres.

7. NATIONAL GOLF FOUNDATION PRESENTATION

Presented by Ed Gethrall from the National Golf Foundation and was available to answer any questions.

Mayor Torres provided direction to consider reduced rates for college students and other members of the community.

PUBLIC COMMENTS ON NON-AGENDA ITEMS (30 MINUTES)

At this time, the public may submit speaker card(s) to the City Clerk staff, for both agenda and non-agenda items, prior to the beginning of this statement; Public Hearing items do not require a speaker card.

The City Council will address non-agenda items during this section and speakers will be called in the order received. Those persons not accommodated during this 30-minute period will have an opportunity to speak under "Public Comments – Continued", after all scheduled matters have been considered. **Public Hearing, Regular Business and/or Consent Calendar items will be addressed at the time that matter of business is heard, in the order received.**

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 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 and City Council.

The City Clerk's Office acknowledged nine (9) member(s) of the public wishing to address the City Council. Speaker(s) was/were provided three minutes to address the City Council and said speaker card(s) is/are on file at the City Clerk's office.

STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

Assistant City Manager Salazar announced the release of the Parks and Recreation guide.

REGULAR BUSINESS

8. ADOPTION OF FISCAL YEAR 2023-24 OPERATING AND CAPITAL BUDGET

RECOMMENDATION: It is recommended that the City Council:

1. Approve a resolution adopting the Fiscal Year 2023-24 operating and capital budgets for all funds; and,

2. Approve a resolution adopting the compensation plan, table of organization and job classifications for Fiscal Year 2023-24 and,
3. Approve a resolution establishing a Fiscal Year 2023-24 appropriations limit per Government Code Section 7190 (Gann Limit); and,
4. Take other measures and actions necessary.

Director Solorza provided a presentation that included Budget Development Process, Budget Preparation Enhancements, City Council Budget Requests, General Fund Budget Overview, All Funds Overview, Staffing Overview, Supplemental Budget Requests, General Fund Revenue, Sales Tax Detail, Expenditures, Transit Proposed Budget, Hilton Garden Inn Proposed Budget, Home2Suites Proposed Budget and the Capital Improvement Plan. Director Solorza was available to answer any questions.

Mayor Pro Tem Peralta asked clarifying questions and Department Directors and Assistant City Manager Salazar were able to provide clarification. She commented that she does not support the Fire Battalion positions and would like to see these funds directed to Firefighters instead.

Councilmember Tamayo proposed not having a Director of Information Technology to fund public safety rank and file positions.

Mayor Torres asked clarifying questions, Director Solorza and Director Razo provided clarification, along with Assistant City Manager Salazar. Mayor Torres requested staff to make an updated graphic of what the timeline would look like for the Paving-the-Way Program. He also recommended that the Fiscal Ad Hoc Committee take on the task of discussing what the budget could look like for next fiscal year.

Mayor Torres motioned to approve the item with the following recommendations: removing funding for additional battalion chiefs, directing staff into contracting support for the Traffic and Safety meetings, and updating the language for the Traffic Engineer to reflect the needs for that position, amending the language to clarify that this was based off the 2021-23 strategic planning session, and removing the funding for Director of Public Affairs and directing the Fiscal Ad Hoc to update what's included in the budget and how the City goes about the process of noticing and informing the public.

Assistant City Manager Salazar asked for clarification on the action regarding the Director of IT/Public Affairs, as this position is currently filled and not a new department. Mayor Torres noted that, per Councilmember Tamayos' comments, that the emphasis on funding should be on rank and file staff. Assistant City Manager asked another clarifying question if they are defunding a position that somebody is already in. Mayor Torres said that is correct.

Mayor Pro Tem Peralta motioned to approve the item with the aforementioned recommendations, seconded by Councilmember Tamayo.

Councilmember Jimenez made a substitute motion to approve the item as is, seconded by councilmember Melendez. The motion failed by the following vote:

MOVED: Jimenez	SECONDED: Melendez	FAILED: 2-3-0-0
AYES: Jimenez, Melendez		
NOES: Peralta, Tamayo, Torres		
ABSTAIN: None		
ABSENT: None		

Councilmember Jimenez expressed her disagreement with the motion made by Mayor Pro Tem Peralta. The Council then recessed and reconvened at 10:04pm.

The original motion made by Mayor Pro Tem Peralta came back on the floor, the motion passed by the following vote:

MOVED: Peralta	SECONDED: Tamayo	APPROVED: 3-0-1-1
AYES: Tamayo, Peralta, Torres		
NOES: None		
ABSTAIN: Melendez		
ABSENT: Jimenez		

9. **APPROVE TASK NO. 5 UNDER MASTER RETAINER AGREEMENT NO. 3999 WITH MARK THOMAS & COMPANY, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PAVING THE WAY PROGRAM PROJECT – MONTEBELLO BOULEVARD FROM WEST LOS ANGELES AVENUE TO LINCOLN AVENUE (C.P. NO.888)**

RECOMMENDATION: It is recommended that the City Council:

1. Approve Task Order No. 5 via an Engagement Letter under Master Retainer Agreement No. 3999 with Mark Thomas for Engineering Design Services for a fee not-to exceed \$282,008 (The design fee is reduced to \$175,816 with the elimination of the landscaped medians); and
2. Authorize the City Manager to execute the Contract Agreement, on behalf of the City; and
3. Take such additional, related action that may be desirable.

Mayor Torres asked to continue this item to the next meeting, with the presentation attached to the staff report. Mayor Pro Tem Peralta motioned, seconded by Councilmember Melendez; the motion was approved unanimously. Councilmember Jimenez was absent.

10. **ADOPT RESOLUTION NO. 23-40 APPROVING A COMPREHENSIVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MONTEBELLO AND THE MONTEBELLO POLICE OFFICERS ASSOCIATION**

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-40 approving a tentatively agreed to comprehensive Memorandum of Understanding (MOU) between the City of Montebello (City) and the Montebello Police Officers Association (MPOA); and
2. Take such additional, related action that may be desirable.

Mayor Pro Tem Peralta motioned to approve the item as is, seconded by Councilmember Tamayo; the motion was approved unanimously. Councilmember Jimenez was absent

11. **APPOINTMENT OF ACTING CITY MANAGER AND APPROVAL OF TERMS OF EMPLOYMENT**

RECOMMENDATION: It is recommended that the City Council:

1. Appoint Arlene Salazar as Acting City Manager for the City of Montebello; and
2. Make certain adjustments to Ms. Salazar's terms of employment during the time she serves as the Acting City Manager; and
3. Direct the processing of a Personnel Action Form to reflect the terms approved as set forth in this report.

Councilmember Melendez motioned to approve the item as is, seconded by Mayor Pro Tem Peralta; the motion was approved unanimously. Councilmember Jimenez was absent

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine. Any items a member wishes to discuss, including any items the public submitted speaker cards for, 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.

Mayor Torres pulled Item No's. 13, and 21. Mayor Pro Tem Peralta motioned, seconded by Councilmember Melendez, that Item No's. 12, 14-20, 23-28, be approved; the motion was approved unanimously. Councilmember Jimenez was absent

12. **APPROVE AMENDMENT NO. 1 TO AGREEMENT NO. 3767 WITH HAZELRIGG CLAIMS MANAGEMENT SERVICES, INC., A COMPANY OF TRISTAR CLAIMS MANAGEMENT SERVICES, INC.**

RECOMMENDATION: It is recommended that the City Council:

1. Approve Amendment No. 1 to Agreement No. 3767 with Hazelrigg Claims Management Services, Inc. (HCMS), a company of TRISTAR Claims Management Services, Inc. (TRISTAR), to exercise a one-year (1-year) term contract extension to provide third party administration (TPA) services for the City of Montebello's (City) self-insured workers' compensation program, and limited TPA services for the general liability program; and
2. Authorize the Assistant City Manager and/or her designee to execute Amendment No. 1 with TRISTAR on behalf of the City; and
3. Take such additional, related, action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

13. INFORMATION TECHNOLOGY INFRASTRUCTURE PROJECT STATUS UPDATE AND BUDGET AMENDMENT

RECOMMENDATION: It is recommended that the City Council:

1. File and receive the attached detailed budget update reporting spending details of year one of the Information Technology upgrade project and related spending; and
2. Amend the Fiscal Year 2022-23 budget by increasing appropriations by \$3,613,179 in Accounts No.100-99-4023.10, 100-99-7000.85, and 325-99-4999.30; and
3. Take such additional, related action that may be desirable.

Mayor Torres pulled this item and motioned to request information on what the expenditures are for, the scoring rubric, and the proposals received and asked that these items be included in the agenda and that this item be continued to the next meeting, seconded by Mayor Pro Tem Peralta; the motion was approved unanimously. Councilmember Jimenez was absent.

14. ANNUAL APPROVAL OF CITY'S INVESTMENT POLICY

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-53 approving the Investment Policy Statement for the City and Successor Agency as required by Government Code Section 53601 et al.

Approved unanimously. Councilmember Jimenez was absent.

15. REQUEST TO APPROVE ANNUAL BLANKET PURCHASE ORDERS FOR FISCAL YEAR 2023-24

RECOMMENDATION: It is recommended that the City Council:

1. Authorize issuing Blanket Purchase Orders/purchasing authorization amounts to various vendors for purchasing during Fiscal Year 2023-24; and
2. Authorize the City Manager to approve up to an additional \$25,000 in expenditures for each vendor, if necessary, during the same fiscal year; and
3. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

16. APPROVE ISSUING AN EXTERIOR BUS GRAPHICS DECAL REPLACEMENT AND REPAINTING SERVICES REQUEST FOR PROPOSAL, NO. 23-11

RECOMMENDATION: It is recommended that the City Council:

1. Approve issuing an Exterior Bus Graphics Decal Replacement and Repainting Services Request for Proposal, No. 23-11 (RFP No. 23-11); and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

17. APPROVE ISSUING A SCRUBBERS AND SWEEPER EQUIPMENT REPLACEMENT REQUEST FOR QUOTE, NO. RFQ-23-1

RECOMMENDATION: It is recommended that the City Council:

1. Approve Issuing a Scrubbers and Sweeper Equipment Replacement Request for Quote, No. RFQ-23-1; and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

18. ADOPT RESOLUTION NO. 23-42 TO AUTHORIZE THE SUBMISSION OF APPLICATIONS TO THE FEDERAL TRANSIT ADMINISTRATION TO RECEIVE FUNDING FOR HYDROGEN FUEL CELL ELECTRIC BATTERY BUSES AND TRANSIT FACILITY HVAC UPGRADE PROJECTS

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-42 to authorize the submission of applications to the Federal Transit Administration (FTA) to receive funding for hydrogen fuel cell electric battery buses (FCEBs) and transit facility heating, ventilation, and air conditioning (HVAC) upgrade projects; and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

19. ADOPT RESOLUTION NO. 23-43 APPROVING MONTEBELLO BUS LINES AMERICAN WITH DISABILITIES ACT (ACT) REASONABLE MODIFICATION / ACCOMMODATION ADMINISTRATIVE POLICY

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-43 approving Montebello Bus Lines American with Disabilities Act Reasonable Modification / Accommodation Administrative Policy; and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

20. ADOPT RESOLUTION NO. 23-44 APPROVING MONTEBELLO BUS LINES' FY23-25 SHORT-RANGE TRANSIT PLAN

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-44 approving Montebello Bus Lines' Fiscal Year 2023-25 Short Range Transit Plan, including the encompassed recommendations; and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

21. ADOPT RESOLUTION NO. 23-46 APPROVING AMENDMENT NO. 1 TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COMMERCIAL FAÇADE PROGRAM GUIDELINES

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-46 Approving Amendment No. 1 to Community Development Block Grant (CDBG) Commercial Façade Program Guidelines and finding that the approval of Amendment No. 1 is exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
2. Amend the Fiscal Year 2022-23 CDBG Commercial Façade Program Guidelines to reflect the revised guidelines for the extension of time to use approved funding, maximum amount of funding per application, and applicant contribution amount; and
3. Take such additional, related action that may be desirable.

Mayor Torres pulled this item to express his support. It was motioned by Mayor Torres, seconded by Mayor Pro Tem Peralta that the item be approved as recommended by Staff; the motion was approved unanimously. Councilmember Jimenez was absent.

22. CONSIDERATION OF RESOLUTION NO. 23-39 TO VACATE AND TERMINATE AN IRREVOCABLE OFFER OF DEDICATION FOR HABITAT RESERVE

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-39 vacating and terminating an Irrevocable Offer of Dedication ("IOD") from Sentinel Peak Resources California, LLC ("Sentinel") to the City of Montebello in connection with the Montebello Hills habitat reserve having Instrument No. 20191405603 dated December 17, 2019; and
2. Take such additional, related action that may be desirable.

The City Clerk's Office acknowledged three (3) member(s) of the public wishing to address the City Council. Speaker(s) was/were provided three minutes to address the City Council and said speaker card(s) is/are on file at the City Clerk's office.

Mayor Pro Tem Peralta motioned to approve the item as is, seconded by Councilmember Melendez; the motion was approved unanimously. Councilmember Jimenez was absent.

23. ADOPT RESOLUTION NO. 23-48 APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2023-24 ANNUAL NATASHA LANE SEWER AND STORM WATER PUMP STATION ASSESSMENT DISTRICT NO. 2005-2 AND SETTING A DATE FOR THE PUBLIC HEARING

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-48 (Attachment A) approving the Fiscal Year 2023-24 Engineer's Report (Attachment B) for the Annual Natasha Lane Sewer and Storm Drain Pump Assessment District No. 2005-2 and setting a date for a Public Hearing for the regular meeting scheduled on July 26, 2023 at 6:00 pm; and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

24. ADOPT RESOLUTION NO. 23-49 APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2023-24 ANNUAL NATASHA LANE LANDSCAPE ASSESSMENT DISTRICT NO. 2005-1 AND SETTING A DATE FOR THE PUBLIC HEARING

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-49 (Attachment A) approving the Fiscal Year 2023-24 Engineer's Report (Attachment B) for the Annual Natasha Lane Landscape Assessment District No. 2005-1 setting a date for the Public Hearing for the regular meeting scheduled on July 26, 2023 at 6:00 pm; and
2. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

25. MONTEBELLO MUNICIPAL GOLF COURSE RENOVATION PROJECT (CP NO. 894) – ARTIFICIAL TURF PURCHASE ORDER

RECOMMENDATION: It is recommended that the City Council:

1. By a four-fifths vote of the City Council authorize the dispensing of a formal bidding procedure for the purchase of artificial turf material for the Montebello Municipal Golf Course Renovation Project (CP No. 894), in accordance with Montebello Municipal Code Chapter 3.20.050; and
2. Approve a Purchase Order with TrueTurf LLC in the amount not-to-exceed \$76,176 for the artificial turf and authorize the City Manager to execute the Purchase Order; and
3. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

26. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS (RFP NO. 23-13) FOR A MEDICAL DIRECTOR – EMERGENCY MEDICAL SERVICES PROGRAM

RECOMMENDATION: It is recommended that the City Council:

1. Authorize issuing a Request for Proposals (RFP) No. 23-13 for a Medical Director – Emergency Medical Services (EMS) Program; and
2. Authorize payment of invoices from Dr. Angelica Loza-Gomez for medical director services in an amount not to exceed \$40,000; and
3. Authorize the use of up to \$20,000 for additional medical director services;
4. Take such additional, related action that may be desirable.

Approved unanimously. Councilmember Jimenez was absent.

27. APPROVAL OF MINUTES: MAY 10, 2023 CITY COUNCIL MEETING; MAY 24, 2023 CITY COUNCIL MEETING; JUNE 5, 2023 CITY COUNCIL SPECIAL MEETING

RECOMMENDATION: It is recommended that the City Council:

1. Approve said minutes as is.

Approved unanimously. Councilmember Jimenez was absent.

28. PAYMENT OF BILLS: ADOPT RESOLUTION NO. 23-45 APPROVING THE CITY WARRANT REGISTER OF DEMANDS DATED JUNE 14, 2023

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 23-45 approving the Warrant Register dated June 14, 2023.

Approved unanimously. Councilmember Jimenez was absent.

PUBLIC COMMENTS - CONTINUED

AB 1234 TRAVEL REPORTS

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

None.

COUNCIL/AGENCY ORALS

Announcements and requests for future agenda items.

• **Scarlet Peralta, Mayor Pro Tem**

1. Seeking Council consensus to begin the process of rebranding the Golf Course.
2. Father's Day Giveaway - Nominate your father figure at scarletmtb.com/FathersDay

Council Oral No. 1 - asked for consensus, consensus received.

Council Oral No. 2 - explained her Fathers Day Giveaway.

• **Angie M. Jimenez, Councilmember**

• **Salvador Melendez, Councilmember**

1. Requesting Council consensus directing staff to raise awareness of Arthrogryposis Multiplex Congenita (AMC) through social media platforms.

Council Oral No. 1 - asked for consensus; consensus received.

- **Georgina Tamayo, Councilmember**

- **David N. Torres, Mayor**

- 1. Request for council consensus to investigate alleged due process violations in the investigation into allegations of misconduct.**

Council Oral No. 1 - asked for consensus, consensus received. Councilmember Melendez voted no in response to the request for consensus.

Walk-on Council Oral - asked for consensus to direct staff to draft a letter of support for Beverly Hospital nurses, consensus received.

CLOSED SESSION - CONTINUED

ADJOURNMENT

The City of Montebello will adjourn to the next **Regular Meeting on June 28, 2023, at 6:00 p.m.**, which can be live-streamed at <https://www.montebellocal.gov> (Click on Live Stream).

I, Kimberly Guillen, Acting Senior Deputy City Clerk for the City of Montebello, hereby certify that a copy of this agenda has been posted on or before **Sunday, June 12, 2023, no later than 6:00 p.m.**



Kimberly Guillen, Acting Senior Deputy City Clerk

Councilmember Melendez motioned, seconded by Mayor Pro Tem Peralta to adjourn the meeting at 10:48 p.m.

THE MINUTES OF JUNE 14, 2023 ARE HEREBY APPROVED AND ADOPTED ON THIS 26TH DAY OF JULY 2023.

EXHIBIT - CITY OF MONTEBELLO FORECASTED AGENDA

Please note, the attached exhibit is a draft version that is to be used for reference purposes only; agenda items, information, and dates are subject to change. The exhibit will be placed at the end of the Agenda Packet.

- **CITY OF MONTEBELLO FORECASTED AGENDA**

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 1



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ AGENDA ITEM NO. _____

Opposed ☐ In Support ☐ Neutral ☐ TOPIC: _____

MEETING DATE: 6/14/2023 **TIME RECEIVED:** 5:43

SPEAKER'S FULL NAME: ESTHER J. VASQUEZ **PHONE:** [REDACTED] (Optional)

ADDRESS: [REDACTED] (Optional)

ORGANIZATION REPRESENTED: CONCERNED CITIZEN

NOTES: Concerned about pedestrian crosswalk Garfield

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ Language: _____

RECEIVED BY STAFF: _____



PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 2



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 6/14/2023 **TIME RECEIVED:** 5:43

SPEAKER'S FULL NAME: Auxilia V. Ponce **PHONE:** _____

ADDRESS: _____

ORGANIZATION REPRESENTED: CONCERNED CITIZEN

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 3



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** DIGITAL EQUITY

MEETING DATE: 6-14-23 **TIME RECEIVED:** 5:47

SPEAKER'S FULL NAME: JORGE RIVERA **PHONE:** _____
(Optional)

ADDRESS: _____

ORGANIZATION REPRESENTED: HEALING & JUSTICE CENTER
(Optional)

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☒ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____



PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 4



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ AGENDA ITEM NO. _____

Opposed ☐ In Support ☐ Neutral ☐ TOPIC: _____

MEETING DATE: 06-13-2023 **TIME RECEIVED:** 5:50

SPEAKER'S FULL NAME: ROSA TAMAYO **PHONE:** [REDACTED] (Optional)

ADDRESS: _____ (Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ Language: _____

RECEIVED BY STAFF: _____



PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 5



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to **the statement of oral communications being read and/or 6:00 p.m., whichever is later.**

TYPE OF COMMENT: Closed Session ☐ **Non-Agenda Item** ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 8/14/23 **TIME RECEIVED:** 8:53

SPEAKER'S FULL NAME: ALLEN LANOZA **PHONE:** [REDACTED]
(Optional)

ADDRESS: PIA
(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 6



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to **the statement of oral communications being read and/or 6:00 p.m., whichever is later.**

TYPE OF COMMENT: Closed Session ☐ ~~Non-Agenda Item~~ ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: June 14, 2008 **TIME RECEIVED:** 6:15 PM

SPEAKER'S FULL NAME: MARGOT ELSEN **PHONE:** _____ (Optional)

ADDRESS: 714 San Delano, Dis 2 (Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☒ Yes ☐ Language: _____

RECEIVED BY STAFF: _____



PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 7



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item: ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 6/14/23 **TIME RECEIVED:** 6:57

SPEAKER'S FULL NAME: Anna Juarez **PHONE:** _____ (Optional)

ADDRESS: _____ (Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 8



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to the statement of oral communications being read and/or 6:00 p.m., whichever is later.

TYPE OF COMMENT:

Closed Session ☐

Non-Agenda Item ☒

AGENDA ITEM NO. _____

Opposed ☐

In Support ☐

Neutral ☐

TOPIC: _____

MEETING DATE: 6/14/23

TIME RECEIVED: 6:57

SPEAKER'S FULL NAME: Gina Nieves

PHONE: _____

(Optional)

ADDRESS: _____

(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ Language: _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 9



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to **the statement of oral communications being read and/or 6:00 p.m., whichever is later.**

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☒ **AGENDA ITEM NO.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** City Manager

MEETING DATE: 6/14/2023 **TIME RECEIVED:** 6:59

SPEAKER'S FULL NAME: Edward Franco **PHONE:** _____

(Optional)

ADDRESS: _____

(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☒ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____

PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 1



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to **the statement of oral communications being read and/or 6:00 p.m., whichever is later.**

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☐ **AGENDA ITEM NO.** 22

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: June 14, 2023 **TIME RECEIVED:** 6:17

SPEAKER'S FULL NAME: MARGOT EISER **PHONE:** _____

(Optional)

ADDRESS: 175 San Dolores Dist 2

(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☒ Yes ☐ **Language:** _____

RECEIVED BY STAFF: _____



PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 2



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to **the statement of oral communications being read and/or 6:00 p.m., whichever is later.**

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☐ **AGENDA ITEM NO.** 22

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 6/14/23 **TIME RECEIVED:** 6:57

SPEAKER'S FULL NAME: Lily Tseng **PHONE:** _____
(Optional)

ADDRESS: _____
(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ Language: _____

RECEIVED BY STAFF: _____



PLEASE NOTE: A SEPARATE CARD MUST BE SUBMITTED FOR EACH ITEM

CITY OF MONTEBELLO

Request No. 3



SPEAKER CARD

Please Note:

Public Comment/Speaker Card must be submitted to the City Clerk's Office prior to **the statement of oral communications being read and/or 6:00 p.m., whichever is later.**

TYPE OF COMMENT: Closed Session ☐ Non-Agenda Item ☐ **AGENDA ITEM NO.** 22

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** _____

MEETING DATE: 6/14/23 **TIME RECEIVED:** 6:59

SPEAKER'S FULL NAME: Tila Gregorian **PHONE:** _____ (Optional)

ADDRESS: _____ (Optional)

ORGANIZATION REPRESENTED: _____

NOTES: _____

ACCOMMODATIONS: _____

TRANSLATION NEEDED: No ☐ Yes ☐ Language: _____

RECEIVED BY STAFF: _____





To: Mayor and City Council

The Healing and Justice Center is a community based, bipoc led nonprofit serving Los Angeles County with a focus in San Gabriel Valley. Our mission is to support BIPOC individuals, communities and organizations by creating safe, healing and connected spaces.

We believe if we are to build strong long lasting social justice movements, healing based and relationship strengthening approaches must be at the center of our advocacy and organizing.

Currently, our services include

1. **FREE Tenant Counseling Hotline**
2. **Nonviolent Parent Education**
3. **Regenerative Conflict Resolution training**
4. **Movement Healing Practices**

Our advocacy efforts rest in

1. **Tenant Rights and Affordable Housing**
2. **Digital Equity**

The COVID pandemic highlighted several community needs and injustices, especially as it surrounds internet or broadband access. I think we all saw, or at least heard of, the viral photograph of the two small children sitting outside of a fast food restaurant trying to connect to the wi-fi just so they can complete their school work.

It is shameful, these children and thousands of families like them, had to resort to these measures.

Additionally, if you wanted to find resources for food, employment, COVID information and vaccines, see your doctor, go to school, work, pass the time on Netflix or even attend city council meetings, you needed access to broadband. And it's not just about access, but also having the equipment and literacy to be able to access and navigate the internet effectively.

<https://www.HealingAndJusticeCenter.org>



Which is why we joined Digital Equity Los Angeles. A coalition of over 50+ organizations from all across different fields such as education, health, housing, environmental justice and more. In our work over the last year, we have uncovered discriminatory practices from the monopolies/duopolies of our internet service providers like Charter-Spectrum, Frontier and AT&T.

We researched and highlighted discriminatory pricing practices of Charter-Spectrum, which serves over 80% of LA County. We found they were offering much lower “promotional pricing” in areas like Malibu and Rancho Palos Verdes, than in low income, people of color areas like East Los Angeles. We published this in our Pricing Disparities report and began to urge the County Board of Supervisors to investigate and correct these discriminatory practices. You can find this report at <https://www.digitalequityla.org>.

We are asking the City Councils all across the SGV to help us close the Digital Divide and write a supportive letter to the LA County Board of Supervisors to investigate and stop discriminatory practices of these providers, and to take steps to ensure all of LA County has equitable and affordable access to the internet.

We’ve provided you with data and fact sheets outlining these disparities, sample letters to draft to the BOS and we are open to meeting with you and discussing further. We hope we can have your support to ensure all your constituents are connected equitably.

Thank you for your consideration!

Sincerely,

Jorge Rivera, Administrator
(562) 590-5601 Direct / Text
Jorge@HealingAndJusticeCenter.org



Quick Facts: the Digital Divide in Senate District 30

According to data provided by Internet Service Providers to the California Public Utilities Commission (CPUC), **5,391 households in Senate District 30 have no internet access** at modern speeds of 100 Mbps download and 20 Mbps upload (100/20).

Why does 100/20 matter?

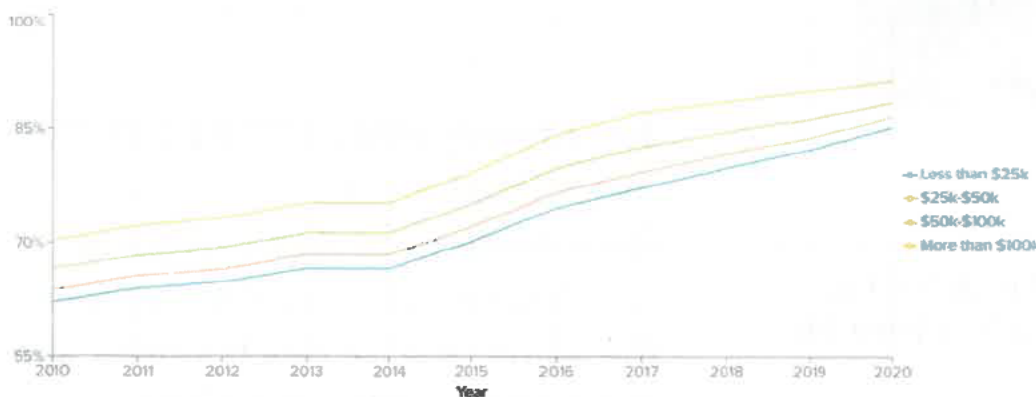
- It's the standard set in 2021 and 2022 legislation signed by the Governor and being implemented at the CPUC.
- A process is underway at the FCC to update the national standard from 25/3 to 100/20 because, according to FCC Chair Rosenworcel, *"The 25/3 metric isn't just behind the times, it's a harmful one because it masks the extent to which low-income neighborhoods and rural communities are being left behind and left offline."*



Snapshot: Disconnected in SD 30

- In **Bellflower**, as many as **40% of the households in half of the census tracts in the city lack broadband** with 100 mbps download speeds.
- In **Montebello**, as many as **60% of households in three census tracts do not have broadband** with 100 mbps download speeds, and there is a **census tract where no households have broadband** at those same speeds.
- In **Pico Rivera**, there are **three census tracts in which up to 40% of households lack broadband** with 100 mbps download speeds.

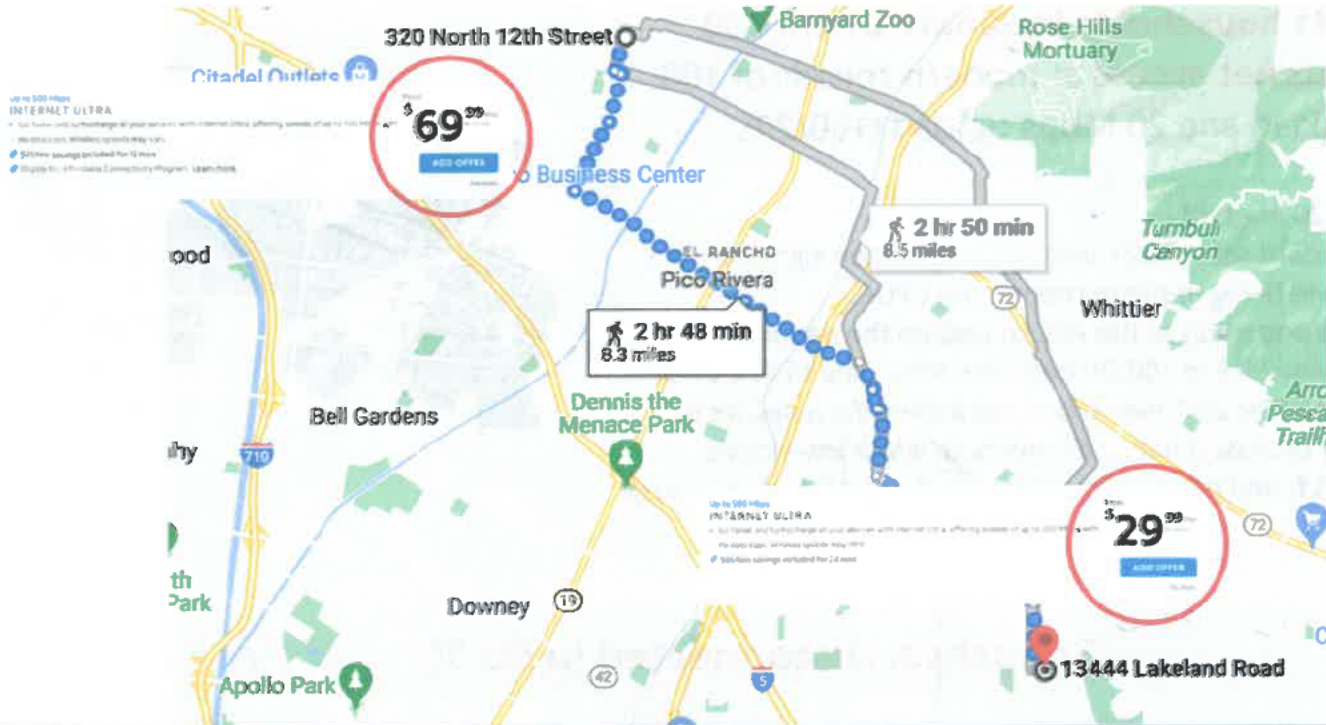
The percentage of the population with access to broadband internet as surveyed by the US Census American Community Survey.



Statewide, even as access at the slowest speeds has increased for everyone, **the gap in access between poor and wealthy Californians persists, largely unchanged in 20 years.**

Pricing Disparities: Slower, More Expensive Internet For Some

Montebello/Whittier Case Study: about 8 miles apart,
\$40 per month difference in advertised rates for the same service



Two Studies Documenting Troubling Disparities in Advertised Prices

Los Angeles Times
BUSINESS

Study finds inequity in internet charges

WEALTHY CADOGES IN L.A. County enjoy lower prices than poor ones, report says.

The pandemic proved how crucial it is to have reliable internet access. But a study by the California Community Foundation and Digital Equity LA found that internet service providers (ISPs) charge more in wealthier areas than in poorer ones, even when the speeds are the same. The study found that in some cases, the price difference can be as high as 400 percent.

The study, which was conducted by the California Community Foundation and Digital Equity LA, found that internet service providers (ISPs) charge more in wealthier areas than in poorer ones, even when the speeds are the same. The study found that in some cases, the price difference can be as high as 400 percent.

The Markup

Dollars to Megabits, You May Be Paying 400 Times As Much As Your Neighbor for Internet Service

By Leon Yin and Aaron Sankin
October 19, 2022 06:51 ET

This article is published with

AP

California Community Foundation + Digital Equity LA:
Clear patterns of Charter/Spectrum advertising lower prices and better terms and conditions in wealthy neighborhoods.

The Markup (copublished with the Associated Press):
Clear patterns of AT&T, Verizon, Centurylink, and Earthlink advertising the same rate for much slower speeds in higher poverty, less white communities.

Quick Facts: the Digital Divide in Assembly District 56

According to data provided by Internet Service Providers to the California Public Utilities Commission (CPUC), **2,238 households in Assembly District 56 have no internet access** at modern speeds of 100 Mbps download and 20 Mbps upload (100/20).

Why does 100/20 matter?

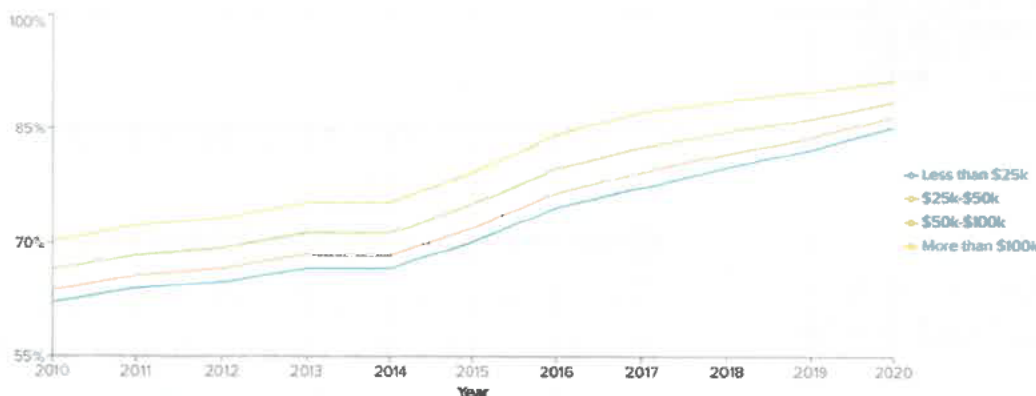
- It's the standard set in 2021 and 2022 legislation signed by the Governor and being implemented at the CPUC.
- A process is underway at the FCC to update the national standard from 25/3 to 100/20 because, according to FCC Chair Rosenworcel, *"The 25/3 metric isn't just behind the times, it's a harmful one because it masks the extent to which low-income neighborhoods and rural communities are being left behind and left offline."*



Snapshot: Disconnected in AD 56

- In **Pico Rivera, Hacienda Heights, and La Puente**, as many as **40% of the households in 4 census tracts** lack broadband with 100 mbps download speeds.
- In **Whittier**, as many as **40% of the households in 6 census tracts** do not have broadband with 100 mbps download speeds.
- In **South El Monte**, as many as **60% of households in a census tract** lack broadband with 100 mbps download speeds.

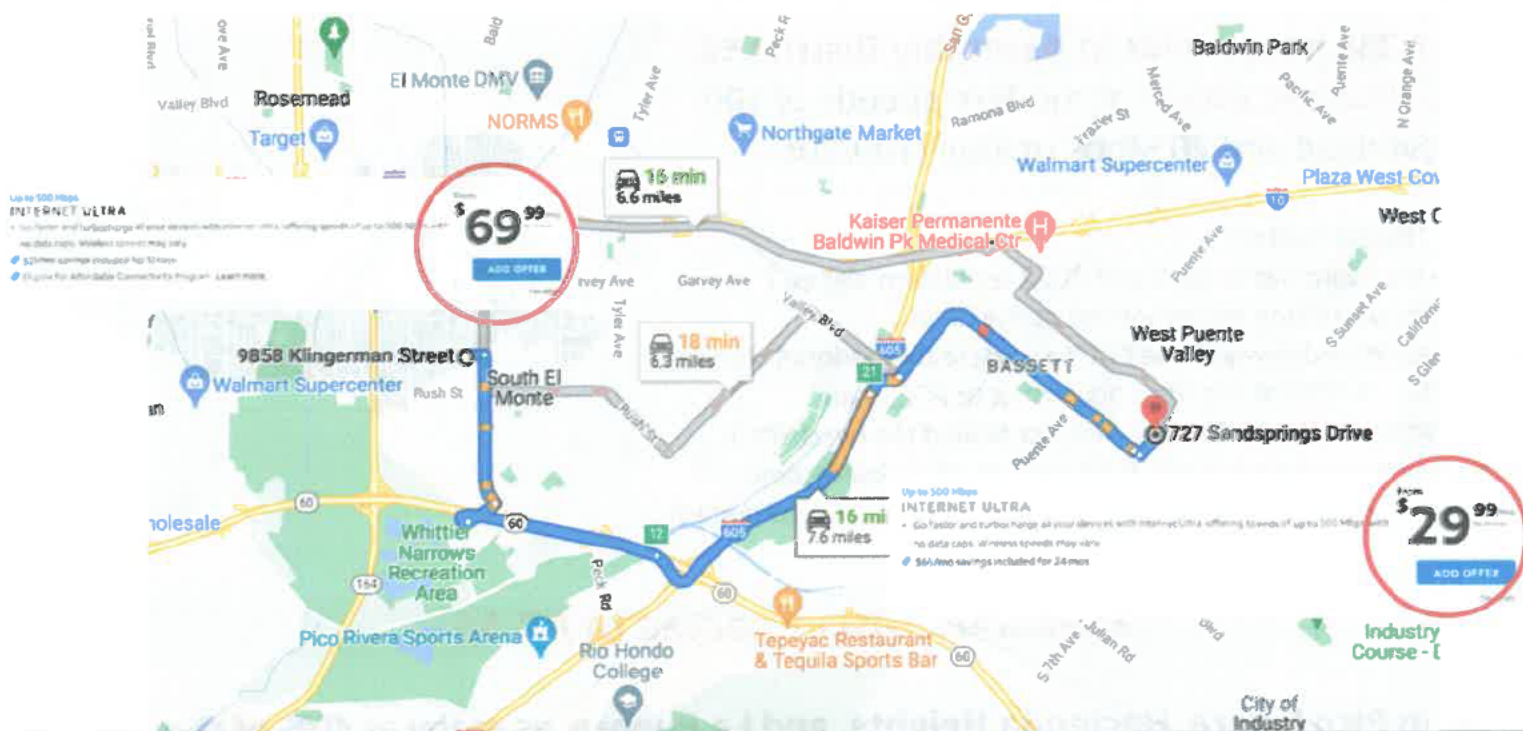
The percentage of the population with access to broadband internet as surveyed by the US Census American Community Survey.



Statewide, even as access at the slowest speeds has increased for everyone, **the gap in access between poor and wealthy Californians persists, largely unchanged in 20 years.**

Pricing Disparities: Slower, More Expensive Internet For Some

South El Monte/La Puente Case Study: about 6.5 miles apart,
\$40 per month difference in advertised rates for the same service



Two Studies Documenting Troubling Disparities in Advertised Prices

AS FRIDAY, OCTOBER 14, 2022

Los Angeles Times

BUSINESS

Study finds inequity in internet charges

Wealthy residents in L.A. County enjoy lower prices than poor ones, report says.

By Stephanie Marder

The pandemic proved one thing: it is in our best interest to have fast, reliable internet. But a new study from the California Community Foundation and Digital Equity LA found that wealthy residents in L.A. County enjoy lower prices than poor ones for the same service. The study found that internet service providers (ISPs) charge more for the same service in wealthier areas than in poorer ones. This is a troubling finding because it means that people in wealthier areas can afford to pay less for the same service, while people in poorer areas have to pay more. This is a clear example of digital inequality, where wealthier people have better access to digital resources than poorer people. The study also found that ISPs charge more for the same service in wealthier areas than in poorer ones. This is a troubling finding because it means that people in wealthier areas can afford to pay less for the same service, while people in poorer areas have to pay more. This is a clear example of digital inequality, where wealthier people have better access to digital resources than poorer people.

The Markup

Dollars to Megabits, You May Be Paying 400 Times As Much As Your Neighbor for Internet Service

By Leon Yin and Aaron Sankin
October 19, 2022 06:51 ET

This article is copyrighted with

AP

California Community Foundation + Digital Equity LA:
Clear patterns of Charter/Spectrum advertising lower prices and better terms and conditions in wealthy neighborhoods.

The Markup (copublished with the Associated Press):
Clear patterns of AT&T, Verizon, Centurylink, and Earthlink advertising the same rate for much slower speeds in higher poverty, less white communities.

October [xx], 2022

Supervisor Holly Mitchell
500 W Temple Street, Room 866
Los Angeles, CA 90012

Dear Supervisor Mitchell,

On behalf of the residents of City of Compton, we write to share our frustration and concern about information recently brought to light regarding our communities' access to fast and reliable broadband, and to ask for your support in righting this wrong.

In today's world, access to broadband is a utility – as necessary for participation in education, the economy, and civic life as electricity. Yet, according to two recently released reports, internet service providers are making it harder for Compton residents to connect by charging our communities more for slower, inferior service.

The Digital Equity LA coalition – a group that includes many of our SELA nonprofit organizations and is supported by our county's community foundation, the California Community Foundation – released a report that included a focus on South LA. What they documented was infuriating: our communities have some of our region's lowest rates of connectivity, yet are advertised some of the highest prices in the County for fast and reliable service by our dominant provider, Spectrum. The Compton households included in the study were advertised rates \$30-\$40 per month more expensive than households in more affluent communities for the same service tier.

The Markup, in collaboration with the AP, released a separate report with findings that AT&T also routinely advertises pricing that unfairly disadvantages low-income communities and communities of color – charging the same price as in whiter, wealthier communities for much inferior service. The Markup's report was national in scope, covering 38 cities including Los Angeles. While it did not focus on Compton, there's no reason to assume its findings do not also apply to our communities.

Considering the wide-ranging impacts of the digital divide on our residents' ability to thrive, and the disconcerting evidence in these two reports that our communities are being systematically disadvantaged – trapped on the wrong side of the digital divide, we ask for you to lead a motion that:

- Directs the County Counsel's office or other appropriate County agency to report back regarding avenues available to the County to further investigate and validate the findings in these reports.

- Directs the Internal Services Department to report back regarding whether the County's contracts with internet service providers include provisions barring practices like those documented in these reports, and/or proactively require equal access.
- Directs the CEO's office to support policy in Sacramento to address these kinds of underlying systemic drivers of the digital divide.

In addition, we encourage you to collaborate with the other Supervisorial districts to deliver a five-signature letter to the California Public Utilities Commission asking them to use their authority to investigate the findings in these two independent reports as they impact California consumers in Compton and all of our neighbors across LA County.

Sincerely,

[sela united]

October [27], 2022

Supervisor Janice Hahn
500 W Temple Street, Room 822
Los Angeles, CA 90012

Dear Supervisor Hahn,

On behalf of the Southeast Los Angeles cities, we write to share our frustration and concern about information recently brought to light regarding our communities' access to fast and reliable broadband, and to ask for your support in righting this wrong.

In today's world, access to broadband is a utility – as necessary for participation in education, the economy, and civic life as electricity. Yet, according to two recently released reports, internet service providers are making it harder for SELA residents to connect by charging our communities more for slower, inferior service.

The Digital Equity LA coalition – a group that includes many of our SELA nonprofit organizations and is supported by our county's community foundation, the California Community Foundation – released a report that included a focus on our SELA cities. What they documented was infuriating: the SELA cities have some of our region's lowest rates of connectivity, yet are advertised some of the highest prices in the County for fast and reliable service by our dominant provider, Spectrum. The SELA households included in the study were advertised rates \$30 per month more expensive than households in more affluent communities for the same service tier.

The Markup, in collaboration with the AP, released a separate report with findings that AT&T also routinely advertises pricing that unfairly disadvantages low-income communities and communities of color – charging the same price as in whiter, wealthier communities for much inferior service. The Markup's report was national in scope, covering 38 cities including Los Angeles. While it did not focus on SELA, there's no reason to assume its findings do not also apply to our communities.

Considering the wide-ranging impacts of the digital divide on our residents' ability to thrive, and the disconcerting evidence in these two reports that our communities are being systematically disadvantaged – trapped on the wrong side of the digital divide, we ask for you to lead a motion that:

- Directs the County Counsel's office or other appropriate County agency to report back regarding avenues available to the County to further investigate and validate the findings in these reports.
- Directs the Internal Services Department to report back regarding whether the County's contracts with internet service providers include provisions barring practices like those documented in these reports, and/or proactively require equal access.
- Directs the CEO's office to support policy in Sacramento to address these kinds of underlying systemic drivers of the digital divide.

In addition, we encourage you to collaborate with the other Supervisorial districts to deliver a five-signature letter to the California Public Utilities Commission asking them to use their authority to investigate the findings in these two independent reports as they impact California consumers in SELA and all of our our neighbors across LA County.

Sincerely,

Systematic Underinvestment by Internet Service Providers (ISPs) in Low-Income Communities and Communities of Color is a Driver of Digital Inequity

Access to the internet is required to fully participate in modern society. Broadband is a utility alongside electricity and water. However, many Los Angeles communities - especially low-income communities and communities of color - do not have access to fast, affordable, and reliable broadband.

Research shows that Los Angeles County's Digital Divide is rooted in part in widespread underinvestment in broadband infrastructure in low-income communities and communities of color, resulting in limited access to quality internet options with high speeds at reasonable costs.

This pattern of disinvestment is called "digital redlining."

The Public Advocates Office of the California Public Utilities Commission defines **Digital Redlining**¹ as practices that:

- **Limit investments in the installation, expansion, or upgrading of internet service** infrastructure within specific geographic areas.
- **Limit broadband availability or adoption in specific areas.** For example, redlining could include pricing practices that make broadband less affordable or marketing practices that under-promote broadband services.
- **Limit broadband access, impact service quality, and make broadband services less affordable** to specific communities.

Why "Redlining"?

In the 1930s, The Home Owners' Loan Corporation (HOLC) created "Residential Security" maps of major American cities. These maps were used by loan officers, appraisers, and real estate professionals to drive lending decisions. Neighborhoods considered high-risk or "hazardous" - the lowest score on the maps - were often "redlined" by banks, which simply refused to offer mortgage loans for properties in those areas. Redlining was explicitly race-driven.

Areas that were designated as "hazardous" or "declining" received that designation because they were "infiltrated" with "undesirable populations."

Boyle Heights was designated "hazardous," on the basis of its 50% "foreign families," including "Russian, Polish, Armenian, Jews, Slavs, Greeks, American Mexicans, Japanese, and Italians," and "subversive racial elements increasing."

Jefferson and Arlington Park were also designated "hazardous," thanks to 20% "foreign families" and 45% "Negros," noting, "Negroes and Japanese increasingly numerous."

Meanwhile, **Beverly Hills' "desirable" designation is credited to its 0% "foreign families," and 0% "Negroes."**²

1 [Reply Comments of the Public Advocates Office on the May 28, 2021 Administration Law Judge Ruling, Rulemaking 20-01-001 of the California Public Utilities Commission, p1](#)

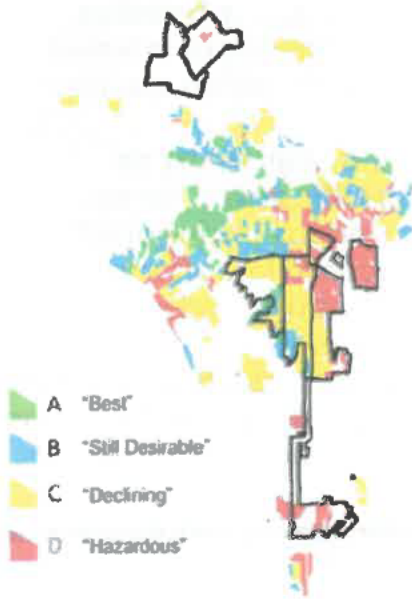
2 See "Mapping Inequality: Redlining in New Deal America" for interactive HOLC maps and scans of original area descriptions.

San Gabriel was saddled with a “hazardous” designation despite its “0% Negro” population with this jaw-dropping explanation:

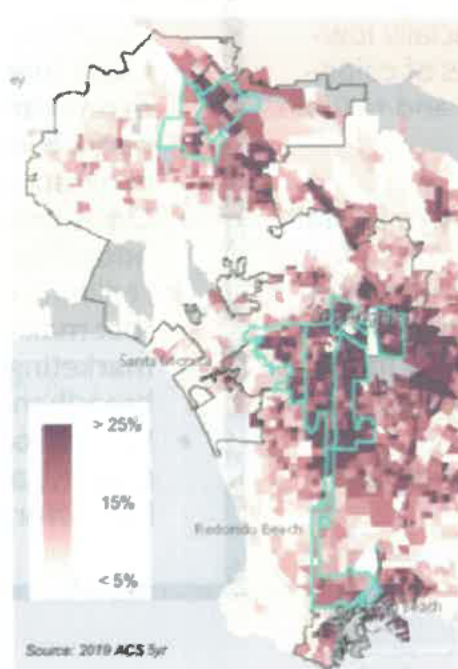
“The vast majority of the population, while American-born, are still “peon Mexicans”, and constitute a distinctly subversive racial influence. ... This area is considered a menace to this whole section and pressure is being exerted to confine the population and keep it from infiltrating into other districts.”

While this type of neighborhood classification is no longer legal thanks to the Fair Housing Act of 1968, the effects of this racially- driven disinvestment are readily apparent today.

The City of Los Angeles Civil + Human Rights and Equity Department produced maps comparing HOLC redlined communities and a range of present-day indicators, including broadband adoption rates. The results are striking.



1939 HOLC Redlining Map

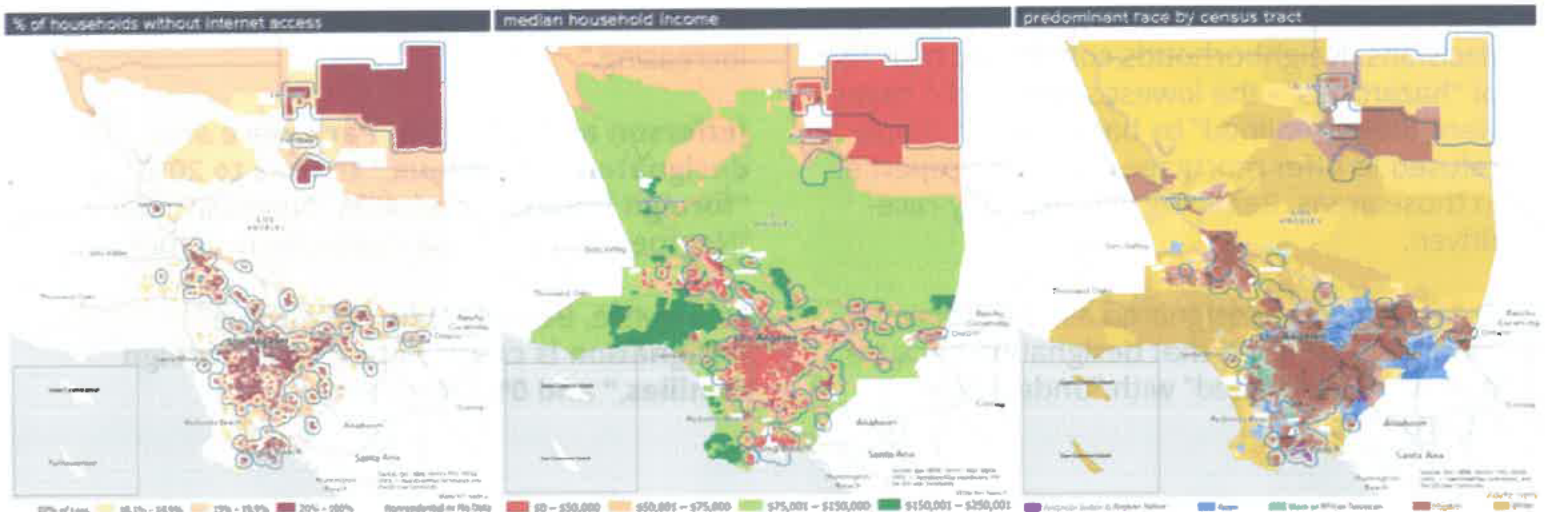


2019 % Households with no Internet



2018 Healthy Places Index

The Los Angeles County's Internal Services Department documented the persistent connection between race, income, and lack of access in three maps:



"Redlining practices produce differential *outcomes* related to broadband availability and affordability for different communities, regardless of whether those outcomes are the product of discriminatory intent."

-CPUC Public Advocates Office³

The data is exceedingly clear: the outcomes of digital redlining are wildly inequitable for low-income communities and communities of color across Los Angeles.

The Evidence for Digital Redlining

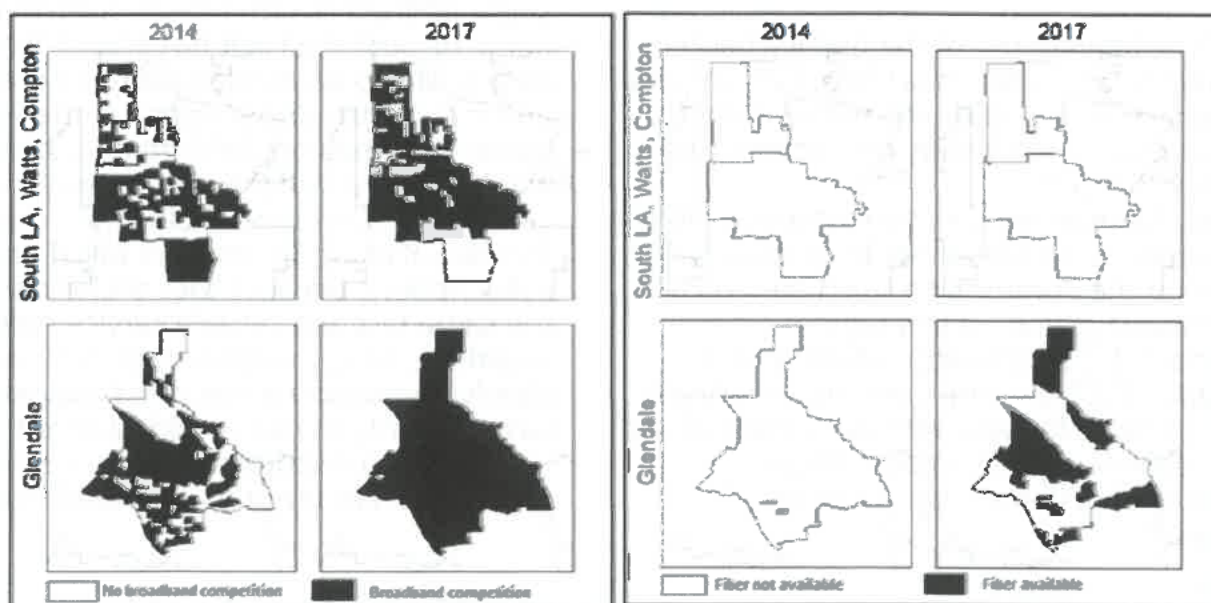
Beyond the clear outcomes of redlining, multiple investigations have found and documented clear evidence that ISPs are underinvesting in low-income communities of color.

USC Professor Hernan Galperin published a study utilizing the ISP's own data (self-reported as required to the Federal Communications Commission) to document underinvestment as measured by competition and upgraded fiber infrastructure in two demographically different areas of Los Angeles.

Dr. Galperin found that between 2014 and 2017, the whiter, wealthier communities in Glendale went from about 50% of areas with at least two options to 100% choice, and about 60% of Glendale was upgraded to fiber.

Meanwhile, the same data showed that the predominantly Black and Latino communities of South LA, Watts, and Compton saw no increase in competition, and remained left behind entirely from fiber upgrades: they had no fiber infrastructure in 2014, and still had none in 2017⁴.

Figure 9: Broadband competition and fiber availability in South LA vs Glendale (2014 and 2017).



Source: www.tinyurl.com/DigitalDivideLA

³ [Reply Comments of the Public Advocates Office on the May 28, 2021 Administration Law Judge Ruling, Rulemaking 20-01-001 of the California Public Utilities Commission, p8](#)

⁴ [Who Gets Access to Fast Broadband? Evidence from Los Angeles County 2014-17](#)

June 14, 2023

Good evening

My name is Linda Nicklas, Co-Founder of MATCH90640 address on file.

I am very pleased by the appointment of Arlene Salazar to the position of interim City Manager, thank you for listening to us.

On the front page of the Whittier Daily Newspaper today was story about Los Angeles Councilman Paine is being charged with Embezzlement, Perjury, and Conflict of Interest.

Our Los Angeles District Attorney doesn't like to Prosecute common criminals but does take elected officials breaking the law very seriously.

I hope you listened about not paying the \$429,000.00 owed by Infrastructure Engineering to Caltrans for grant money when they were found by the audit to have committed fraud. Grant funds were awarded to the City of Montebello but were then paid to IE aka Infrastructure Engineering for project contract.

✿ If this has been voted to be paid, I see that as embezzlement of city funds our taxpayer money. And we will investigate legal actions against those that voted to have city pay this debt, that is not our obligation.

Thank you

A handwritten signature in black ink, appearing to read 'L. Nicklas', written in a cursive style.

UC Berkeley's Haas Institute for a Fair and Inclusive Society published a detailed analysis of AT&T's fiber deployment, again using data provided by AT&T to the FCC as well as their advertised rates and services. The analysis **"reveals disturbing trends that will exacerbate the digital divide in California. First, AT&T's initial fiber- to-the-home deployment is disproportionately focused on high- income communities. Second, AT&T has left too many Californians stuck in the slow lane on the information highway, unable to participate fully in the expanding digital economy.** Despite its large size and profitability, AT&T has fallen short of providing equitable access to high-speed broadband in California."⁵

The study found that the concentration of broadband investment in wealthy communities was worst in Los Angeles County, where the median household income for households benefiting from fiber-to- the-home upgrades was nearly double that of the households left in the slow lane by AT&T.

Chart 1. California State

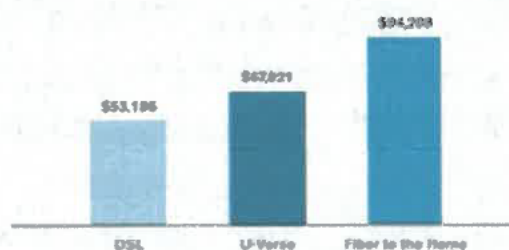
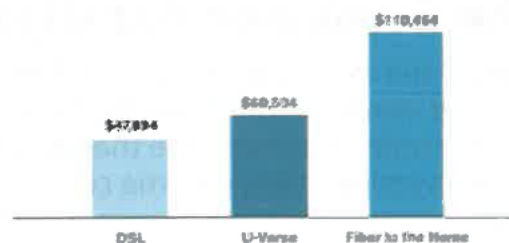


Chart 2. Los Angeles County



ISP Response: Deny and Deflect

In official filings in response to the CPUC's inquiry into redlining, ISPs deny and deflect without specifically countering any of the research that clearly documents redlining practices. Moreover, they actively discourage the Commission from thoroughly investigating the issue:

- AT&T: "The Ruling's use of the highly-charged term "redlining" – which has historically implied intentional discrimination – is not relevant to, and creates an unnecessary distraction from, the task at hand."⁶
- Comcast: "...Redlining is not a systemic problem in California, and it would not be productive or realistic for the Commission to embark on a formal "investigation" of this topic."⁷
- California Cable and Telecommunications Association (CCTA): "...the Commission should decline to move forward with an unneeded and undefined investigation into baseless allegations of systemic "digital redlining" practices."⁸

The ISPs and the Associations representing their interests also claim that:

- 95% of California households have access to broadband, based on data they report to the FCC that counts an entire area as "served" if a single address (which doesn't have to be a home or business) in it has access. Notably, this data is widely acknowledged to be problematic, and is currently under review at the FCC.⁹
- There is no meaningful difference between wireless and wired (fiber or cable) broadband service, and that households with lower-income families of color do not have wired broadband subscriptions because they prefer not to have the same fast and reliable service their wealthier, whiter neighbors enjoy!¹⁰ Surveys clearly demonstrate this is not the case: the large majority of households without broadband subscriptions at home say the reason is there is not an affordable option.

⁵ [AT&T's Digital Divide in California, p4](#)

⁶ [OPENING COMMENTS OF AT&T CALIFORNIA \(U 1001 C\) ON THE FIRST AMENDED SCOPING MEMO AND RULING](#)

⁷ [REPLY COMMENTS OF COMCAST PHONE OF CALIFORNIA, LLC \(U-5698-C\) ON ASSIGNED ADMINISTRATIVE LAW JUDGE'S RULING](#)

⁸ [REPLY COMMENTS OF THE CALIFORNIA CABLE AND TELECOMMUNICATIONS ASSOCIATION](#)

⁹ [CNET: Millions of Americans can't get broadband because of a faulty FCC map. There's a fix.](#)

¹⁰ [CTIA COMMENTS ON THE ADMINISTRATIVE LAW JUDGE'S EMAIL RULING ORDERING ADDITIONAL COMMENTS ON MIDDLE-MILE DATA COLLECTION](#)