



CITY OF MONTEBELLO REGULAR MEETING

MINUTES

WEDNESDAY, MARCH 27, 2024 AT 6:00 PM

TELECONFERENCE LOCATION FOR
COUNCILMEMBER TORRES:
WORLDMARK - LOBBY
1080 HORNBY STREET
VANCOUVER, BC V6Z 2Y7, CANADA

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

OPENING CEREMONIES

CALL TO ORDER - 6:00 P.M.

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

ROLL CALL

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

Councilmember Jimenez was absent.

City Attorney Arnold Alvarez-Glasman, City Manager Raul Alvarez, Assistant City Manager Arlene Salazar, Senior Deputy City Clerk Kimberly Guillen, Deputy City Clerk Nelly Ochoa, and Department Directors Michael Solorza, Cesar Roldan, David Sosnowski, Joseph Palombi, and Chief Espinosa were present.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

City Attorney Alvarez-Glasman announced the Closed Session Item.

He further stated that there was a subsequent need to add the following item to Closed Session pursuant to Government Code Section 54956.8.

1b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: 602, 604, and 608 W. Whittier Blvd.

Agency negotiator: Raul Alvarez, City Manager, Joe Palombi, Director of Planning/Community Development

Negotiating parties: Steven A Weber/Steven A Weber Trust

Under negotiation: Price and/or terms of purchase

It was motioned by Mayor Pro Tem Melendez, seconded by Councilmember Tamayo, that the item be added; the motion was approved by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Melendez, Tamayo, Torres, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

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.

None.

CLOSED SESSION

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

Mayor Peralta recessed the meeting into Closed Session at 6:04 p.m. to consider the following Closed Session items:

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Government Code Section 54956.9(d)(1)
Alicia Mendoza v. City of Montebello
Los Angeles County Superior Court Case No. 21STCV42900

REGULAR SESSION - IMMEDIATELY FOLLOWING CLOSED SESSION

CLOSED SESSION REPORT

Mayor Peralta reconvened the meeting at 6:46 p.m.

Mayor Peralta, Mayor Pro Tem Melendez, and Councilmember Tamayo were present in person, and Councilmember Torres joined them telephonically to discuss all Closed Session items. City Attorney Arnold Alvarez-Glasman provided the following report to City Council: Item No. 1, the City Council provided direction to the City Attorney's Office for possible resolution to the settlement, no action was taken, and nothing further to report; Item No. 1b., a briefing was provided to City Council, direction was provided to the agency negotiators, no action was taken and nothing further to report.

INVOCATION

Led by City Clerk Jimenez.

PLEDGE OF ALLEGIANCE

Led by Chief Espinosa.

CORRECTIONS TO THE AGENDA - CITY MANAGER

None.

CEREMONIAL ITEMS/PRESENTATIONS

2. CERTIFICATE OF RECOGNITION - ROSEMARY GURROLA

Presented by Mayor Peralta.

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 five (5) 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.

STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

None.

REGULAR BUSINESS - NONE**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 Peralta pulled Item No. 10. Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, that Item No’s. 3-9 and 11-15, be approved; the motion passed by the following vote:

MOVED: Melendez**SECONDED: Tamayo****APPROVED: 4-0-0-1****AYES: Tamayo, Torres, Melendez, Peralta****NOES: None****ABSTAIN: None****ABSENT: Jimenez****3. SECOND READING OF ORDINANCE NO. 2475 APPROVING AN AMENDMENT TO CHAPTER 17.37 “HEAVY TRUCKING USES” AND CHAPTER 17.49 “BROWNFIELD OVERLAY DISTRICT” OF THE MONTEBELLO MUNICIPAL CODE TO CLARIFY, SIMPLIFY AND SPECIFY THE CONDITIONS AND REQUIREMENT FOR ZONING COMPLIANCE OF HEAVY TRUCKING OPERATORS IN THE CITY OF MONTEBELLO AND IN THE BROWNFIELD OVERLAY DISTRICT****RECOMMENDATION: It is recommended that the City Council:**

1. Waive Second Reading and Adopt Ordinance No. 2475 (Attachment A) amending Chapter 17.37 “Heavy Trucking Uses” and Chapter 17.49 “Brownfield Overlay District” of the Montebello Municipal Code to clarify, simplify and specify the conditions and requirements for zoning compliance of heavy trucking operators in the City of Montebello and in the Brownfield Overlay District specifically; and

2. Find and Determine the code amendment is statutorily exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 (Existing Facilities) and 15061(B)(3) (Common Sense Exemption); and
3. Take such additional, related, action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

4. **APPROVE PROFESSIONAL SERVICE AGREEMENT NO. 4185 WITH PALADIN TECHNOLOGIES FOR PURCHASE AND INSTALLATION OF A SECURITY CAMERA SYSTEM FOR THE POLICE DEPARTMENT AND CITY HALL**

RECOMMENDATION: It is recommended that the City Council:

1. Award Professional Service Agreement No. 4185 to Paladin Technologies for purchase and installation of a security camera system at the Montebello Police Department, lobby areas of City Hall, and adjacent parking lots in an amount of \$353,275; and
2. Authorize the City Manager to execute Agreement No. 4185 and approve change orders up to an additional fifteen percent (15%) of the initial contract amount if necessary; and
3. Amend the Fiscal Year 2023-24 budget by increasing appropriations by \$406,300 in Account No. 100-80-815-6040.10 (General Fund, Police, Support Services, Other Contract Services); and,
4. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

5. **APPROVE PURCHASE OF RESOURCEROUTER – SOUNDTHINKING RESOURCE MANAGEMENT SOFTWARE FOR POLICE DEPARTMENT CRIME ANALYTICS AND MAPPING**

RECOMMENDATION: It is recommended that the City Council:

1. Authorize the City Manager to execute a professional service agreement with SoundThinking for Subscription Based "ResourceRouter" Resource Management System (Crime Analytics/Mapping Software) for three (3) years for an amount of \$88,500; and
2. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
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AYES: Tamayo, Torres, Melendez, Peralta
NOES: None
ABSTAIN: None
ABSENT: Jimenez

6. AUTHORIZE THE PURCHASE OF POLICE AND PARKS AND RECREATION VEHICLES

RECOMMENDATION: It is recommended that the City Council:

1. Approve the purchase of five (5) vehicles for the Police Department to include one (1) Administration Division vehicle and four (4) Investigations Division vehicles; and
2. Approve the purchase of one (1) Parks and Recreation Department vehicle to replace a vehicle totaled; and
3. Amend the Fiscal Year 2023-24 budget by increasing appropriations by \$45,000 in Account No. 100-70-700-6082 (General Fund, Parks and Recreation, Administration, Vehicle Purchase); and,
4. Declare the vehicles to be replaced as surplus and authorize the City Manager to dispose of them as per the City's Municipal Code and related administrative policies; and,
5. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

7. APPROVE AGREEMENT NO. 4187 WITH HDL COREN & CONE FOR PROPERTY TAX CONSULTING AND AUDITING SERVICES

RECOMMENDATION: It is recommended that the City Council:

1. Approve Professional Services Agreement No. 4187 with HdL Coren & Cone for Property Tax Consulting and Auditing Services; and
2. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

8. APPROVE AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT NO. 3821 WITH HINDERLITER DE LLAMAS AND ASSOCIATES (HDL) FOR BUSINESS LICENSE ADMINISTRATION SERVICES

RECOMMENDATION: It is recommended that the City Council:

1. Approve Amendment No. 1 to Professional Services Agreement No. 3821 with Hinderliter de Llamas and Associates (HdL) for Business License Administration Services; and
2. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

9. **APPROVAL TO SUBMIT THE CITY'S FISCAL YEAR 2024-25 ANNUAL EXPENDITURE PLAN AS PART OF THE LOS ANGELES COUNTY SAFE, CLEAN WATER PROGRAM (MEASURE W)**

RECOMMENDATION: It is recommended that the City Council:

1. Authorize the City Manager or his designee to submit the Los Angeles County Safe, Clean Water Program Annual Expenditure Plan for Fiscal Year 2024-25; and,
2. Take additional action as deemed necessary

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

10. **APPROVE LETTER OF ENGAGEMENT TO MASTER RETAINER AGREEMENT NO. 4000 WITH KOA CORPORATION FOR THE DESIGN OF THE TRAFFIC SIGNAL AT WHITTIER BOULEVARD AND 6TH STREET**

RECOMMENDATION: It is recommended that the City Council:

1. Approve a Letter of Engagement to Master Retainer Agreement No. 4000 between the City of Montebello and KOA Corporation for the design of a traffic signal at Whittier Boulevard and 6th Street for a not-to-exceed amount of \$128,852; and
2. Amend the Fiscal Year 2023-24 budget by increasing appropriations by \$128,852 in Account No. 210-30-300-6040.96 (Proposition A, Public Works, Administration, Contract Services Engineering Design Services); and
3. Authorize the City Manager to execute the Letter of Engagement on behalf of the City; and
4. Take such additional, related action that may be desirable.

Public Works Director Cesar Roldan provided a brief presentation of the item.

Mayor Peralta spoke in support of the item and recommended including art in the crosswalk.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Melendez, Tamayo, Torres, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

11. **APPROVAL TO SUBMIT FUNDING APPLICATION TO THE LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE STATE ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 7**

RECOMMENDATION: It is recommended that the City Council:

1. Authorize the City Manager or his designee to submit the State Active Transportation Program (ATP) Cycle 7 application; and
2. Authorize the City Manager to sign and execute all applicable documents associated with the grant submittal process; and
3. Amend the Fiscal Year 2023-24 budget by increasing appropriations by \$500,000 in Account No. 200-30-310-6040.96 (Gas Tax, Public Works, Streets, Contract Services Engineering Design Services); and
4. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

12. **APPROVE SUBMISSION OF AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDING APPLICATION VOUCHER TO THE DEPARTMENT OF ENERGY TO OBTAIN TECHNICAL SUPPORT TO PERFORM AN ENERGY EFFICIENCY AUDIT**

RECOMMENDATION: It is recommended that the City Council:

1. Authorize the City Manager or his designee to submit an Energy Efficiency and Conservation Block Grant funding application to the Department of Energy; and
2. Authorize the City Manager to sign all applicable documents; and
3. Take such additional, related action that may be desirable

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

13. **APPROVE ISSUING REQUEST FOR PROPOSAL (RFP) NO. 24-16 TO OBTAIN CONSULTANT SERVICES FOR ADMINISTRATION OF THE SB 1383 LOCAL ASSISTANCE GRANT PROGRAM**

RECOMMENDATION: It is recommended that the City Council:

1. Approve issuing Request for Proposal (RFP) No. 24-16 to obtain services to oversee and implement the one-time State Department of Resources Recycling and Recovery SB 1383 Local Assistance Grant Program; and,
2. Take such additional, related action that may be desirable.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

14. **APPROVAL OF MINUTES: MARCH 7, 2024, SPECIAL CITY COUNCIL MEETING; MARCH 13, 2024, CITY COUNCIL MEETING**

RECOMMENDATION: It is recommended that the City Council:

1. Approve said Minutes as is.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

15. **PAYMENT OF BILLS: ADOPT RESOLUTION NO. 24-15 APPROVING THE CITY WARRANT REGISTER OF DEMANDS DATED MARCH 27, 2024**

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 24-15 approving the Warrant Register dated March 27, 2024.

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to approve the item; the motion passed by the following vote:

MOVED: Melendez	SECONDED: Tamayo	APPROVED: 4-0-0-1
AYES: Tamayo, Torres, Melendez, Peralta		
NOES: None		
ABSTAIN: None		
ABSENT: Jimenez		

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.

- **Georgina Tamayo, Councilmember**

- **David N. Torres, Councilmember**

- **Salvador Melendez, Mayor Pro Tem**

- **Angie M. Jimenez, Councilmember**

- **Scarlet Peralta, Mayor**
 - 1. **Registration for Montebello Community Emergency Response Team (CERT) Program**
 - 2. **Mayor Peralta's Art Exhibition: Honoring Youth Participation in this years Anti-Hate Art Initiative.**
 - April 17th, 5:30 p.m. at City Hall.
 - 3. **Designate May as National Bike Month: Promoting Cycling Awareness**
 - 1. *Mayor Peralta announced the upcoming Montebello Community Emergency Response Team Program.*
 - 2. *Mayor Peralta announced the upcoming Art Exhibition.*
 - 3. *Mayor Peralta requested Council consensus to designate May as National Bike Month and promote cycling awareness. Consensus was received.*

CLOSED SESSION - CONTINUED

ADJOURNMENT

The City of Montebello will adjourn to the next **Regular Meeting on April 10, 2024, at 6:00 p.m.**, which can be live-streamed at <https://www.montebellocal.gov> (Click on Live Stream).

I, Kimberly Guillen, Senior Deputy City Clerk for the City of Montebello, hereby certify that a copy of this agenda has been posted on or before **Sunday, March 24, 2024, no later than 6:00 p.m.**



Kimberly Guillen, Senior Deputy City Clerk

Mayor Pro Tem Melendez motioned, seconded by Councilmember Tamayo, to adjourn the meeting at 7:24 p.m.

THE MINUTES OF MARCH 27, 2024, ARE HEREBY APPROVED AND ADOPTED ON THIS 10TH DAY OF APRIL.

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: _____ **TIME RECEIVED:** _____

SPEAKER'S FULL NAME: LEVAS PROTERO **PHONE:** _____
(Optional)

ADDRESS: _____
(Optional)

ORGANIZATION REPRESENTED: _____

NOTES: its about sentence - made on 4th St - Montebello

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: 03-27-2024 **TIME RECEIVED:** _____

SPEAKER'S FULL NAME: ROSA TAMAYO

PHON

(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.** _____

Opposed ☐ In Support ☐ Neutral ☐ **TOPIC:** District 5

MEETING DATE: _____ **TIME RECEIVED:** _____

SPEAKER'S FULL NAME: Bill Koolisse **PHONE:** _____

ADDRESS: South Montebello

(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. 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:** Neighborhood Info

MEETING DATE: 28 Monday **TIME RECEIVED:** _____

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

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:** Voter Rights Act

MEETING DATE: _____ **TIME RECEIVED:** _____

SPEAKER'S FULL NAME: Richard Polanco Jr

PHONE: _____

(Optional)

ADDRESS: _____

(Optional)

ORGANIZATION REPRESENTED: Resident

NOTES: _____

ACCOMMODATIONS: _____

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

RECEIVED BY STAFF: _____

March 27, 2024

Good evening, Linda Nicklas Co-founder of MATCH90640 address on file.

I would like to correct the wrong information stated by Torres regarding the Brownfield issue. No Torres the businesses were not given only two weeks to clean up properties with land contamination, it has been 19 Years.

Two years ago, then City Manager Bobadilla and former Mayor Cobos Cawthorne issued a letter that gave businesses a 30 days' notice, action had to be taken for the safety of community.

Now two years later and the majority on this council is giving the businesses located in the Brownfield area a free pass. I am putting it on the record that if health issues turn up in residents living within the breathing area of Brownfield, hold this council responsible for the total lack of concern for the welfare and quality of life for residents in District five.

Remember what happened in Maywood with the Exide lead contamination, very similar problems, became national news. I am submitting an article regarding the Exide issue in Maywood/ Vernon, California.

Please correct me if I'm wrong is it true the City Manager has named himself the Human Resource Director? If true how can that be legal, I've researched, and in other cities the Assistant City Managers can hold the position but not CM.

How can a person file a complaint against the City Manager and he's also HR? That's ridiculous and I am very sure illegal. Also are you paying yourself extra for the dual positions? Please respond to my questions.

Thank you.



Exide lead contamination

Exide is one of the world's largest producers, distributors and recyclers of lead-acid batteries. Lead-acid batteries are used in automobiles, golf carts, fork-lifts, electric cars and motorcycles. They are recycled by grinding them open, neutralizing the sulfuric acid, and separating the polymers from the lead and copper. In the US, 97 percent of the lead from car batteries is recycled - which is the highest recycling rate for any commodity. Most states require stores to take back old batteries.^[1]



Pallet of scrap lead-acid automotive batteries ready to be recycled

Since 2010, operations at seven Exide lead-acid battery plants have been linked to ambient heavy metal levels that posed a health risk to the environment and thousands of residents in neighborhoods surrounding the Exide plants.^[2] Exide has been found to be a significant source of lead emissions and/or contamination in Crescentville, Philadelphia (1920 - 1978); Los Angeles County; Frisco, Texas; Muncie, Indiana; Salina, Kansas; Bristol, Tennessee; Reading, Pennsylvania; and Forest City, Missouri.^[2]

Los Angeles County, California (Vernon)

A battery recycling plant in southeast Los Angeles County, California, United States, emitted toxic metal dust over decades that contaminated as many as 10,000 homes in half a dozen working-class, Latino communities near the plant.^[3] Lead is a neurotoxin that causes harm to most organs, but it most commonly causes cognitive deficits, neurodevelopmental delays, and psychological impairments.^[4] Exide Technologies, owner of the lead-acid battery smelter located in Vernon, agreed in 2015 to close the facility during the massive cleanup of the contaminated soil, which will take years and cost hundreds of millions of dollars.^[5]



Recycling lead in a lead-acid battery recovery facility

Background

The 15-acre battery recycling plant (6.1 ha) was in Vernon – a heavily industrialized city in Southeast Los Angeles county.^[6] The plant processed over 11 million used lead batteries each year.^[7] The smelter was issued an "interim status document" by the California Department of Health Services in 1981 and operated under a provisional permit while documented violations were occurring. Exide took ownership of the smelter when they purchased the Gould-National Battery and its assets in 2000.^{[8][9]} In 2013, Exide was under federal criminal investigation for emitting high levels of harmful pollutants from its battery recycling plant in Vernon, CA.^[10] Hundreds of residents had complained for years about Exide's toxic emissions before state and federal agencies acted.^[11] Organized opposition included Mothers of East Los Angeles, students, and local churches.^[12] In March 2015, the company signed an agreement with the U.S. attorney's office to close permanently.^[13] The deal allowed Exide and its employees to avoid prosecution for years of environmental crimes, including illegal storage, disposal and shipment of hazardous waste, while agreeing to pay \$50 million to demolish and clean the plant and surrounding communities, including \$9 million set aside for removing lead from homes.^[13]

Environmental impact

The soil beneath the facility tests high for toxic metals. The groundwater was also polluted from the operation of the plant and corrosive and irritating sulfates drained onto public streets.^[9]

Studies have indicated that as many as 10,000 homes in half a dozen working-class, Latino communities near the plant have had their homes and yards contaminated by the lead emissions. The decades of air pollution from the Exide Technologies facility has potentially contaminated the nearby communities of Boyle Heights, Maywood, East Los Angeles, Commerce, Bell, and Huntington Park.^[9]

Residents had long been concerned about the air pollution from the plant that was found to have emitted lead, arsenic and other dangerous pollutants over decades. Lead is a potent neurotoxin that puts children at-risk for learning disabilities, lower IQs and other developmental problems who may have acquired lead poisoning from playing outdoors.^[5]

Public Health Impacts

Throughout history, lead exposure has led to public health problems, specifically for workers in factories or other industrial entities.^[4] While past measures that prevent lead exposure in the first place have been successful, "secondary prevention" is emphasized by public health agencies now, leaving the people who have already been exposed or who will continually be exposed at risk because lead is still used in the manufacture of batteries, buses, trucks, tractors, and motorcycles.^[4] As a result, Low income communities and communities of color face a major gap in the public health system for lead exposure prevention.^[4]

Nineteen homes received first priority for cleanup starting in December 2014 based on the test results.^[24] The residents of two neighborhoods in Boyle Heights and Maywood were notified in August 2015 that they could have their soil tested for lead after being identified by the South Coast Air Quality Management District as the communities most likely to have been contaminated by the lead emissions. Contaminated soil was removed and replaced at 146 of the homes closest to the facility in these communities.^{[23][25]}

High lead levels were found in the soil at Lorena and Rowan Elementary Schools in the summer of 2015 by the Department of Toxic Substances Control.^{[26][27]}

In October 2015 the Los Angeles County Board of Supervisors, frustrated with the slow pace by the state, designated \$2 million to "facilitate" the cleanup effort by hiring contractors and consultants, performing soil testing at 1,000 homes during the following two months, and sending community outreach workers to neighborhoods around the plant. A timeline and strategy was also included in the resolution to force state regulators, Exide "and other responsible parties to fully fund and undertake this cleanup." The state had used all but \$1 million of \$9 million Exide placed in a trust fund for residential cleanup.^[28] By the end of February 2016, county crews began testing soil at homes in Commerce.^[29] The state allocated \$176.6 million for the cost of testing and cleanup of about 2,500 of the most contaminated yards. Job training program for community members to be employed in cleanup has been planned by the Department of Toxic Substances Control. It is also establishing a local office to improve and coordinate information-sharing efforts. Local community groups are working with the agency for outreach in signing up residents for testing.^[30]

In fall 2017, the Department of Toxic Substances Control began to implement their plans to remove lead-contaminated soil from 2,500 residential properties near the closed Exide Technologies lead acid battery plant in Vernon.^[31] It is believed to be the largest environmental cleanup effort of its kind in California history, encompassing seven (7) Los Angeles County neighborhoods. California state regulators estimate that Exide's operations may have threatened the health of an estimated 100,000 people and 10,000 residential properties.^[3] A total of \$192 million has been authorized by the state for the massive cleanup effort; \$176.6 million of which was approved by Governor Jerry Brown in April 2016.^[3]

The \$192 million set aside by the State will only allow for cleanup of 2,500 of the estimated 10,000 homes and properties believed to have been contaminated by Exide's decades of pollution. Total costs to clean up the estimated 10,000 homes contaminated by Exide's pollution is believed to be over \$500 million.^[32] By August 2016, over \$42 million of the \$192 million had already been spent.^[3]

Facing mounting pressure from community activists, residents, and elected officials, to hold Exide, and not taxpayers, accountable for millions of dollars of additional money needed to clean up Exide's toxic lead mess in east L.A. County, the South Coast Air Quality Management District filed claims against Exide totaling over \$80 million.^[33] Exide filed its own lawsuit^[34] in 2016 seeking blood lead data on people tested in L.A. County, including each person's age, city and ZIP Code; the age of the home in which each person lived; and any causes of lead poisoning. The state is fighting the lawsuit in court, calling it an attempt by Exide to dodge financial responsibility and blame the contamination on lead paint and gasoline.^[3] Paying for the cleanup might admit guilt that could lead to criminal charges and jail time for executives.^[3]

On January 31, 2018, Exide Technologies told a bankruptcy judge that their company was not responsible for the \$80 million in additional cleanup costs that the State of California was trying to recoup, and that the State's claim should be discharged as part of the company's Chapter 11 bankruptcy plan in 2015.^[33] With the State legislation placing creditors ahead of environmental cleanups, and with the bankruptcy judge ruling in favour of Exide, taxpayers will end up paying for the cleanup, while the company will be released from all liability.^{[35][36]} The bankruptcy judge allowed a "nonconsensual" plan with a release of liability and abandonment of the property in October 2020.^[37]

By 2023, the state spent more than \$336 million and overseen the remediation of nearly 4,400 properties.^[38] State legislators included funding for cleaning up the parkway strips between the street and sidewalk. Legislators were frustrated to learn that the money was not used to clean up the parkway and reverted to the state budget.^[39] The 2023 state budget dedicated \$40.4 million and nearly \$27 million in 2024 to remove and replace the toxic soil from more than 6,400 parkways.^[40] In 2023, the California Department of Toxic Substances Control began publishing detailed records of the cleanup status of the roughly 10,000 properties.^[41]

Legislation

The state had dedicated about \$7 million to test and clean up homes in 2015.^[21] The state assembly voted in 2016 to provide \$176.6 million for the cleanup.^{[42][43]} State legislators held an informational hearing at the Capitol on January 26, 2016 where Assemblyman Jimmy Gomez (D-Echo Park) noted the rapid mobilization for the Porter Ranch gas leak near a wealthier community while the slow progress in these neighborhoods where most residents are Latino and low-income should be disheartening to all legislators. Gomez said "We don't want to send the wrong message. That if you live ... in Porter Ranch that you're more important than the folks that live in East ... or Southeast Los Angeles."^[21]

At the January 26, 2016 hearing, Assembly Speaker Anthony Rendon (D-Lakewood) said the Department of Toxic Substances Control "has not done a good job" and that he would urge officials to act more urgently on the clean-up.^[21] The extent and duration of the lead